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ART. I.—NATIONAL MUSIC.

- 1.—*Recueil de Ranz-des-Vaches et Chansons nationales de la Suisse.*
Quatrième édition, revue et augmentée. Berne. 4to.
- 2.—*Texte zu der Sammlung Schweizer Kuhreihen, und Volksliedern.*
Von JOH. RUD. WYSS, Professor. Bern. pp. 152. 12mo.

WHETHER, as St. Thomas Aquinas supposed, music was given by inspiration to the first human pair; or whether, as Lucretius imagines, men became proficient when they were led "*liquidas avium voces imitantes ore*;" one thing is certain, that wherever we discern any advance towards civilization, we find men to have rejoiced and lamented in song. And the further back we go, the more are we astounded by the effects attributed to this potent art. The influence of the Ranz-des-Vaches upon the expatriated Swiss, is proverbial; but this is nothing when compared with the feats of Orpheus and Amphion. We read in Plutarch, that Antigenides, by the use of the Harpatian mode, so wrought upon Alexander the Great, that the monarch leaped, sword in hand, upon his comrades. Terpander modulated the discordant Lacedemonians into unity. The Arcadians were civilized by music. And to come to later times, Ericus, king of Denmark, about 1130, on hearing a musician, was driven to fall upon his attendants, of whom he slew a goodly number; and the harping of Claude le Jeune threw the inflammable Duc de Joyeuse into such a phrenzy, that he swore he must fight with some one of the company. Were we to say more, we should remind our readers of Cornelius, in the exquisite satire of Arbuthnot and Pope: "How can you dignify, (quoth he,) this modern fiddling with the name of music? Will any of

your best hautboys encounter a wolf now-a-days, with no other arms than their instruments, as did that ancient piper, Pythocaris? Have ever wild boars, elephants, deer, dolphins, whales, or turbot, showed the least emotion at the most elaborate strains of your modern scrapers, all of which have been, as it were, tamed and humanized by ancient musicians? * * * Did not Pythagoras stop a company of drunken bullies from storming a civil house, by changing the strain of the pipe to the sober spondæus? and yet your modern musicians want art to defend their windows from common nickers. It is well known, that when the Lacedemonian mob was up, they commonly sent for a Lesbian musician to appease them, and they immediately grew calm, as soon as they heard Terpander sing. Yet I don't believe that the Pope's whole band of music, though the best of the age, could keep his holiness's image from being burnt on the 5th of November." To all these challenges, we can only answer with a desponding shake of the head. Or, to be more serious, we are constrained to say, that the whole subject of music has become the prey of cant and mystification. For to this category we must reduce such sayings as that of Sir William Temple, "that the science is totally lost in the world, and that in the room of music and poetry, we have nothing left but fiddling and rhyming;" or that of Vossius, that "the relics of Chinese music yet remaining may impose silence on all Europe."

Without rambling however into the domain of fable, we may freely acknowledge, that the ancients had remarkable music, signally powerful, and characteristic of the respective tribes and nations among which it sprang up; and it would be highly interesting if we could descry any of the peculiar traits which discriminated the several genera of primitive melody. This, however, we cannot attain. A certain scepticism comes irresistibly over us, when we examine what purports to be a deciphering and restitution of ancient nomic airs, as exhibited by Dr. Crotch and others; and we must be content to remain without authentic memorials. Of Hebrew and Egyptian music we know just nothing. From Egypt, Greece is supposed to have derived her song; and the Grecian melody is found in close connexion with every thing which could animate the national heart. Domestic intercourse and nuptial ceremonies were enlivened by the lyre and the voice; and elegiac measures were heard at the obsequies of the departed. Love and war both spoke in the language of music, and every religious rite employed the same subduing influences. Homer is full of bards, and of stringed and wind instruments. From the analogy of the other fine arts, and the models which remain in sculpture and architecture, we cannot but infer that Grecian music was not the tame and droning affair which has been pretended. The sister art of verse could scarcely have been isolated, or ham-

pered with inharmonious sounds. The music attached to the rhapsodies of Homer was scarcely of this rude character. The symmetrical development of the arts forbids the thought. So much of musical expression depends on rhythm, that the versification of those times seems to imply a corresponding completeness in the accompanying melodies.

It is commonly said, that the ancients were altogether unacquainted with music in parts. That they were not versed in the subtle canons of modern contrapuntists may safely be conceded, but in despite of all the asseverations of scientific critics, we should demand an overwhelming weight of authority to convince us, that all the ennobling and enthusiastic strains of Greece were performed in unison. The natural diversities of pitch in the human voice, and the varying dimensions of instruments, must necessarily suggest the simple concords; and the strings of the lyre and harp, even twanged by accident, or breathed upon by the wind, could not but awaken attention to the pleasing effect of harmony. It is, moreover, said and reiterated, that "all the ancient modes or keys were minor." This is as startling a proposition, and as little verified by critical examination of the ancient writers. The truth is, that there is more of arbitrary or conventional arrangement in the sequence of musical tones than we are ready to own; and mankind are not restricted by organic requisitions to the two grand genera, into which all modern music has fallen. The Grecian modes were neither major nor minor, in the technical understanding of those terms; and the ancients were altogether unacquainted with any such intervals as the consonant thirds and sixths, which ascertain the genus of modern compositions. To conclude, on this topic, Plato could scarcely have extolled as *divine* the strains of Marsyas and Olympus, if they had been totally void of pathos and elegance; nor could the cold Aristotle have acknowledged that *Ὀλύμπου μέλη ομολογουμένως ποίει τὰς ψυχὰς ἐνδουσιαστικάς.**

But to come more near to our theme, in pursuit of our inquiry concerning national music, it may be observed, that accustomed as we are to separate poetry and music, we must never forget that they were inseparable among the early Greeks. And when we speak of Greece, we must not confine ourselves to Europe, but include the colonies; remembering that Herodotus attributes to a Lycian the ancient hymns of Delos, and that Olympus, the father of Greek music, was a Phrygian. The poet and the musician, among these tribes, were the same individual. This had a strong tendency to produce national music, which cannot be said to exist, where the body of the people are not accustomed to sing

* Plato, Minos, p. 318, t. 2.

Μαρσύας καὶ Ὀλύμπος ὁ Φρύξ. Τούτων δὲ καὶ τὰ ἀνληματα θείοντα ἴσται, καὶ μόνον κίνει, καὶ ἐστὶ καὶ νῦν μόνον λοιπὰ ἴσται ὡς θεία ὄντα. Arist. Pol. I. 4.

the same airs; and this is seldom the case, except with popular songs, so that the glowing sentiments of a favourite bard would have a greater chance of circulation, when conveyed in musical strains which sprang from the same origin. The poets actually sang their own songs to the lyre. Particularly do we read this of Pindar, and we may judge from the discursive and abrupt variety of his measures, how artfully the rhythm of his music must have been conducted. While, on the one hand, the melodies of the Greeks were perhaps never performed without being "married to immortal verse;" on the other hand, the inspiring strains of the early poets were not written to be coldly read, but were poured upon the excited senses of religious multitudes, with all the cunning modulations of song and instrumental symphonies. To this union we must attribute many of the marvellous effects which are said to have resulted from the music of the ancients; for beneath the most violent of their fables, there must still have been a modicum of truth, sufficient to render the story tolerable to the populace. And we cannot doubt, that at the time when such narratives found credence, there were extant songs which reigned over the affections of extensive districts.

It must be a matter of surprise to every classical scholar, that during "the most high and palmy state of Rome," so little should be said of music. When luxury of every kind began to break in upon the enfeebled empire, we know indeed that the delights of song were common; but we find few traces of what may be called popular music. The genial climate did not then produce the same effect as upon the modern Italian. The rugged conquerors of the world were engaged in a perpetual self-discipline, of which the object was to repress the inclination for the softer pleasures, and brace every fibre into the posture of resistance or offence. Both Nepos (in *Epam.*) and Cicero (*Tusc. Disp. t. 1.*) concede to Greece superiority in this accomplishment, with the air of men who are proud of their want of skill.

When Christianity began to prevail, it necessarily swept away all the popular songs, because throughout their whole texture there ran the subtle threads of gentile mythology. But sacred song became a part of Christian worship, and by degrees ecclesiastical music took its rise. In the earlier ages, we have reason to believe that the Christian hymns were more lyrical than when the Ambrosian chant imposed a lengthened stateliness on the service. In this lighter form, they were more easily circulated, and became in a sort popular or even national. The heresiarch Arius was a poet, and made strong impressions upon the populace by his Greek hymns.

During the dark period when the irruption of northern barbarism was obliterating all the refinements of southern Europe, popular minstrelsy naturally died away. But ecclesiastical harmonies

were rising with corresponding rapidity. The offices of the church gave at once an employment and a retreat to men of taste. Music as well as learning found her asylum in the sanctuary. There is no more striking epoch in her annals than the reformation by Gregory the Great. Thousands of youth were educated for the choir, in the public *Orphanotrophía*. In one of the schools near the Lateran were to be seen, as late as the ninth century, the couch upon which Gregory used to lie when he gave instructions to the singers, and the rods with which he castigated the boys, together with the original of the Antiphonarium. Under his auspices, modern harmony made its first advances. But the antiphonal singing and *canto fermo* did not admit of being conveyed, even in fragments, from the church to the populace. For this it was too ponderous as well as too sacred; and it was only by the general culture which it afforded to the popular taste, that it tended to produce characteristic national melody.

The middle age was the era of popular music. From the eleventh until the fourteenth century, the Troubadours were actively engaged in the cultivation of a style which was eminently suited to the multitude. From them proceeded the Minnesingers, who ruled the taste of Germany in the thirteenth century. Among them were numbered margraves, princes, and even kings and emperors. After the art became debased, minstrels wandered over Europe under the names of Jongleurs, Musars, Violars, and other titles. The Provençal singers gave origin to the Italian romancers, and even England, now long destitute of national music, was then the paradise of a privileged minstrelsy. Chaucer's Clerke is no doubt the sample of an extensive tribe:

" In twentie maner coud he trippe and daunce,
After the scole of Oxenforde tho,
And with his legs casten to and fro.
And play songs on a small ribible,
Therto he song sometyme a loude quynible.
And as well coud he play on a geterne,
In all the town nas brewhouse ne tauerne
That he ne visited with his solas,
There any gay tapstere was."

The Romancers and Troubadours carried the strains of chivalry and the tender passion alike to cottage and castle; and their influence on European literature is too well known by all scholars for us to be allowed any liberty of enlarging here. It seems highly probable, from the inveterate fondness with which the Alpine mountaineers cling to all their usages and pleasures, that the same airs which now resound among the glens of Switzerland and the Tyrol, were known among the ancestors of these peasants centuries ago. Nations differ strikingly in the amount and marked character of their national music; and there is something in the predominant traits of the Swiss which renders them susceptible of

these deep impressions. While some tribes of mankind are prone to let every great national feeling express itself in song, others pass through the most remarkable vicissitudes without any such enduring memorials. A more striking instance can scarcely be found, than in the two great nations of Britain. Here we find a marked contrast. Of national melodies England has very few, and these are doubtful, and if genuine, have no characteristic traits. Her soil once gave birth to noble bards, and her Alfred was a harper, but no relics of their melodies are now current. There is said to be no dance tune older than the year 1400. The specimens of old English music exhibited by Dr. Crotch to the London Institution, such as "The Carman's Whistle," the "Light of Love," &c., are now entirely obsolete. The national airs are borrowed, and the national taste is formed by mere cultivation from without. England has no national instrument since the Cambrian harp. The march of improvement has trampled down and trodden out those sparks of national enthusiasm which glowed in the age of the bards. Of her mighty wars and convulsive revolutions, she has no musical records embalmed in the memory of the peasant, or consecrating the traditions of the fireside. And from our English descent, we seem as Americans to labour under the same national phlegm.

But how different is the case when we turn to Scotland. Here there is melody unlike all other. There surely never was a wilder vagary of genius, than the supposition that David Rizzio imported the Scots music from Italy. Not to mention the technical peculiarity, arising from the incomplete minor scale of old Scots airs, the characteristics are too prominent to be mistaken. Indeed, modern professors acknowledge, that these melodies are, for variety and expression, superior to those of most nations. A family likeness pervades all these airs. A pensive sweetness is discernible even in the merriest dances, arising from that peculiar key, which has been likened to that of the Greek nomic melodies, and which is probably to be traced to the scale of the ancient bagpipe. They are the patrimony of the Scottish peasant. They are heard in every cottage and on every moor. They gave inspiration to the muse of Burns; for it is well known, that as he traced his furrow, he was accustomed to sing his compositions to familiar airs; and to this we may attribute the remarkable adaptation of his songs to musical delivery, a quality often wanting in lyrical productions, which are highly admirable as poetry, but which have been composed without reference to any musical accompaniment.

The works of which we have placed the titles at the beginning of this article, are collections of those celebrated melodies called the *Ranz-des-Vaches*, or Swiss cowherds' songs. It is a common error to suppose, that there is a single air current throughout Switzerland under this name. These books contain more than

fifty, and there are many still unrecorded. The words are in the various patois of the French and German cantons, which probably have the same Doric charm to the inhabitants which belongs to the lowland Scotch. We find airs of Emmenthal, of Ormond, of Guggisberg, of Frybourg; indeed, almost every nook of the Alps seems to have its appropriate Ranz-des-Vaches. M. Wyss has furnished the songs with a number of explanatory notes and a very useful glossary. The examination of these songs will perhaps mortify some zealous antiquaries, who, in every thing which so deeply affects the popular mind, expect to discover the very inspiration of poetry. In all cases they are very simple, being expressions of deep attachment to native scenes, lays of the seasons, rude pastorals, and ditties of humblest love. But in many cases these effusions are not only trivial but ridiculous, and the *refrain* is often a jargon of unmeaning syllables. This indeed is not always the case, for there are some fraught with tender sentiment, and one or two highly humorous. The fifty-third in number is a favourite song in Schiller's *Wilhelm Tell*, and we have seen it also in Dutch; the basis of it being no doubt an ancient ballad.* The most celebrated Ranz-des-Vaches, and one to which the name has been sometimes restricted, is familiar to American musicians, and is eminently plaintive and pastoral. We give it according to the text of Laborde.

“ Quand reverrai-je un jour
 Tous les objets de mon amour?
 Nos clairs ruisseaux, nos côteaux, nos hameaux, nos montagnes,
 Et l'ornement de nos campagnes,
 La si gentille Isabeau,
 A l'ombre d'un ormeau?
 Quand danserai-je au son du chalumeau?
 Quand reverrai-je un jour
 Tous les objets de mon amour?
 Mon père, ma mère, mon frère,
 Ma sœur, mes agneaux, mes troupeaux, ma bergère?
 Quand reverrai-je un jour
 Tous les objets de mon amour?”

But there are a number of the songs which are not thus sentimental; and it is, after all, more the music with its associations

- * “ 1. Mit dem Pfeil, dem Bogen,
 Durch Gebirg und Thal,
 Kommt der Schütz gezogen
 Früh am Morgenstrahl.
 2. Wie im Reich der Lüfte
 König ist der Weih,—
 Durch Gebirg und Klüfte
 Herrscht der Schütze frey.
 3. Ihm gehört das Weite
 Was sein Pfeil erreicht,
 Das ist seine Beute
 Was da kreucht und fliegt.”

than the embodied thought, which moves the soul of the Swiss *pâtre*. It is oftener so in other cases than is readily admitted. Melodies are not so restricted in their expression as to be capable of adaptation only to one fixed modification of sentiment. Some of Burns's most pensive songs are set to old airs, of which the very titles provoke laughter. It was, if we remember, Biron, the great French vocalist, who once gained a wager, by moving his audience to tears when he sang some of the most frivolous songs to sad music. There is no small amount of assumption in many pretences to musical expression, and we need not wonder to find the Swiss penetrated by tunes which are allied to paltry words. The principle is conceded even by professors. Sir John Hawkins gives some remarkable instances. In Dr. Brown's Ode, entitled *The Cure of Saul*, there is a solo air, which is a saraband from the eighth sonata of Corelli's second opera; and Purcell's great movement in *O give thanks*, is turned into a chorus. The music to the song in *Samson, Return, O Lord of Hosts*, is an Italian cantata of Handel's younger days. The chorus in Alexander's feast was originally an Italian trio. And a great part of the music to Dryden's lesser Ode for St. Cecilia's day was composed for the opera of *Alceste*, written by Smollet, but never performed.

The same thing, we may digress to add, was remarkably exemplified at the time of the Reformation, when the hymnology of the Protestants became somewhat lyrical. Most of the hymns in the vernacular tongue were set to popular songs, much to the scandal of many good people. The French version of the Psalter was begun by the darling poet of the age, Clement Marot, who gave origin to *le style Marotique*, of which Voltaire so bitterly complains. Marot was the inventor of the rondeau, and the restorer of the madrigal and the sonnet. He undertook the Psalter at the instance of Vatablus, and dedicated the version of thirty psalms to Francis I. The Parisian faculty of theology censured the version, but the king connived at it, being an admirer of the bard. They were sung to ballad tunes, and such was their popularity, that they could not be printed fast enough to meet the demand. Every one adapted to them such airs as he chose, and each of the princes and courtiers selected his psalm. Henry II. was fond of the 42d,

" Ainsi qu'on oit le cerf bruire
Pour-chassant les frais des eaux;"

and made it his great hunting song. The queen selected the 6th,

" Ne veuille pas, ô Sire
Me reprendre en ton ire;"

and sang it to a lively tune. And Antony of Navarre chose the 26th,

" Seigneur, garde mon droit."

The version was completed by Beza, and the tunes which were set to it by Godimel and Bourgeois, and which are extant in the old French bibles, became the national music of the Hugonots. Even Roman Catholics joined in singing them. Florimond reproaches the Protestants with their singing sacred hymns to ballad tunes, and shows that the 38th psalm is set to the tune "*Mon bel ami*;" to which a Latin writer of Geneva retorted, that he had heard the *Magnificat* sung to the tune,

" Que ne vous requinquez-vous vielle?
Que ne vous requinquez-vous done?"

So much for the adaptation of music. We must now go on to say, that several editions of the work under review have been sold, with surprising rapidity, both in Switzerland and abroad. The lithography is well executed, and the vignettes, which serve as illuminations to the pieces, are appropriate and well conceived. The music has been revised by several of the most celebrated Swiss professors, under the supervision of the editor, M. Ferdinand Huber. He has furnished the airs throughout with accompaniments for the piano forte and the guitar. These are necessarily simple, for any indulgence in scientific refinements would be altogether incompatible with the musical dialect of Switzerland. Huber has endeavoured to avoid every thing incongruous with the national genius, and he has been the better able to accomplish this, because, by frequent excursions among the mountains where they are indigenous, he has caught the inspiration of the scene, and imbibed the enthusiasm which originated and has preserved these singular productions.

Whether we regard the touching simplicity of these airs as they affect strangers, or the wonderful impression which they make upon the Alpine herdsmen and hunters, the Ranz-des-Vaches must be considered as the most remarkable national melodies of Europe. Yet, after all the care of the artist, there is no notation which can serve to convey a genuine impression of the *Kuhreihen*. The organs of the native mountaineers are necessary for this, and no one of our readers who has travelled in Switzerland or the Tyrol can fail to understand us when we say, that there are tones and modulations which can be produced by none but a Swiss throat, and which are unlike any other sounds on earth. The transitions, divisions, and rapid embellishments, effected in the open throat, cannot be indicated by notes; and when the attempt is made to replace these anomalous executions by the refinements of Italian music, the whole charm of the airs, as Swiss, has evaporated. This peculiarity of organic action, by which the throat is in reality transformed into an instrument of another *timbre*, is called by the Swiss *yodlen*. To be comprehended it must be heard, and such as have heard it will readily acknowledge, that to this rather than to any consecution of notes or harmonies, are the Ranz-des-Vaches

indebted for their peculiar effect. The shepherd of the Alps, accustomed to sing in the open air, and to hear his voice reverberated by mountain echoes, acquires a prodigious power, and runs through the whole gamut with a single breath. Preferring to all regular melody, those free strains which are prompted by his fancy, and to which his organs are naturally led, he abounds in variations, and even when requested, seldom repeats an air precisely as he first gave it. The place, the circumstances, the sentiment, the transient mood of his soul, all operate to alter and variegate the flood of song, and he pours forth a strain far more resembling the gush from a happy bird, than the ordinary effusions of musical accomplishment. Sometimes artifices are used, to give additional power to the voice. This is particularly true of the song of Appenzell, called the *Ruguser*. The performer applies his open hands to the sides of the face and throat, and in some way which we cannot explain, gives energy to the voice. In a plate of the work before us, we have a representation of this manœuvre.

From what has been said, we learn to appreciate the remark often made by Swiss amateurs, that these songs have a very inferior effect, and produce only disappointment to the ear, when performed in fashionable assemblies. They demand vigorous lungs, a deep and sonorous voice; and we may add, that their legitimate effect can take place only among their native echoes. "The traveller," says Meissner, "who collects singers in some mountain inn, for the purpose of hearing the national songs, will be apt to agree with those who pass a harsh judgment on this music. The *Ranz-des-Vaches*, like other airs of the Swiss peasantry, require to be heard at a certain distance, which is absolutely necessary to modify the roughness of sounds issuing with energy from a sturdy chest. However well executed, they lose their peculiar charm unless heard among the mountains. They must be sung out of the very fulness of the mountaineer's heart, as he calls his herd, or gaily carries his milk down the declivities. Ignorant of the rules of art, and guided by fancy alone, he prefers sounds which ring harmoniously through the welkin, and produce a charm which is indescribable. The imposing solitude, while it diffuses a certain melancholy over the soul, engenders a sentiment of respect for all that, like surrounding scenes, is artless and exempt from show. In such places and under such impressions must the *Ranz-des-Vaches* be heard."

These are the words of patriotic, no less than musical enthusiasm, but not without their interest on this very account. If there is any thing in them to which we could take exception, it is the impression which they leave that the airs are always airs of sadness. They strike us as being rather the buoyant issues of joyous hearts. Loud and vagrant, they express the very genius of the untrammelled Alpine shepherd. But perhaps here, as in the noted

case of the nightingale, it may depend much on the mood of the listener, whether they be set down as mirthful or pensive. Being an effusion so free and artless, the very wantonness of sound, this species of song demands that the performer be altogether at his ease, to follow every modulation which may be prompted by the condition of his organs, or the caprice of feeling. One only limit seems to be necessary, which is, that these natural variations should not recede too far from the spirit of the theme. These remarks will prepare the reader to believe, that to note down adequately the meandering sounds of the Swiss cowherds' song, were almost as hopeless a task, as to record the harmonic wailings of an Æolian harp.

Our authorities observe, that it is rare to find two mountaineers who execute the same *Ranz-des-Vaches* precisely in the same manner, and that females seldom do justice to their full and sonorous passages. And especially, to use the words of Ebel, "that which characterizes this national song, is the sudden transition from pectoral to guttural voice, which the inhabitants of our mountains execute with inconceivable facility and precision. No one who is destitute of this faculty, can ever execute a *Ranz-des-Vaches* without altering its nature."

The appropriate accompaniment of the *Kuhreihen* is the Alpine horn. It is likened, in shape, says Cappeler in his description of Mount Pilate, to the crozier or crook of the ancient Roman augurs, which according to Gellius was curved at the larger extremity. It is commonly made of two pieces of fir, bored throughout the whole length by a hot iron, and with an opening much resembling that of a trumpet. During the fourteenth century, it was extensively used as a speaking-trumpet, in order to indicate the approach of enemies. Those which Professor Wyss examined, were from four to five feet in length, and protected by bands of bark, and a coating of wax. They have been found twelve feet in length. "The *Alp-horn*," says Huber, "is an instrument which never fails to produce a fine effect, when heard at a proper distance. The sound is carried by the wind through a great extent of country, and the tones are thus softened, so as to resemble a well-played clarionet." The musical amateurs of Switzerland are making an effort to revive the common use of this national instrument, which seems to have fallen into desuetude.

The charm of the *Ranz-des-Vaches* has been so universally acknowledged, that, as the editor observes, some of the most eminent professors have endeavoured to analyze its mysteries, to detect the secret principle, and to reproduce it in variations. It has been commented on by Viotti, Rousseau, Turenne, Bridel, and Zwinger. Bridel, in his "*Conservateur Suisse*," has the following remarks: "In the patois of the Romane Switzerland, *Ranz* signifies any row of objects following one another in single file. *Rank* in Celtic,

and *Reihen* in German, have the same signification. The *Ranz-des-Vaches*, therefore, signifies in music, 'the march, or row, of kine.' This air, peculiar to our Alps, is of ancient date. It was originally played on the hautboy, or Alpine horn. German Switzerland has *Kuhreihen*, or *Ranz-des-Vaches*, belonging respectively to Entlibuch, Mont Pilate, Guggisberg, and the canton of Appenzell; to Emmenthal, Siebenthal, and the vale of Hasli. That of Appenzell was sent to England, in the early part of the last century, at the request of Queen Anne, and was often performed in her presence. The most complete collection is that which appeared at Berne, in 1812, under the title, '*Sammlung Schweitzer Kuhreihen und Alpenvolkslieder*' (the German title of the work first mentioned at the head of this Review.) The characteristics of these national airs are, great simplicity and a melancholy tone. * * * * It is not in the theatre, the opera, or the concert room, that one must expect to hear the *Ranz-des-Vaches*. They must be listened to in the very places for which they were made; among Alpine rocks, at the door of the chalet, or amidst the herd on the lake-side; with their own native accompaniments, the brawling of the torrent, and the noise of pines swayed by the wind, which serve as a perpetual bass; the voice of echo prolonging and repeating them, the lowing of kine, and the 'carrillon' of their bells, thrown in by chance at irregular intervals. This air is of mighty effect in our lofty solitudes, and derives from Alpine scenes something mysterious and awful, especially when performed by night, on the side of some Alp over against us, when neither singers nor instruments are seen, and when the absolute silence of the hour is violated only by these simple, sad, and almost savage modulations."—"I have sometimes walked alone, towards the decline of day, in those sombre recesses, where all desire for conversation is repressed. I have there instinctively seated myself upon a rock, when on a sudden my ear—or rather my whole being—has been arrested by sounds, now lengthened out and sustained, now precipitately bold, issuing from one mountain and passing to another. It was the long Alpine horn; and a female voice mingled its pensive, sweet, and touching notes, in perfect unison."

We have introduced these characteristic sentences, not merely as description, but as actual specimens of the romantic enthusiasm with which this music is regarded by the Swiss. They will possess more of novelty to American, than to transatlantic minds, because we are so remarkably destitute of any thing analogous. It would be highly unreasonable to look for any music in our own country, which deserves to be called national. The population is heterogeneous, and ages must elapse, before the discriminating lines can be obliterated. From the several countries of Europe, to which our citizens respectively trace their origin, we have bor-

rowed a few popular melodies; but those who mingle with the yeomanry need not be told, that even these are losing their currency. Popular music is not conveyed by the same channels with artificial refinements of song. While the latter emanate from the written score, the assembly, and the conservatorio, the music of the people is caught from mouth to mouth, handed from father to son, and learned by the wayside or in the shaded lawn. When we listen to catch the strains which circulate in our work-shops or public places, we are struck with the fact, that they are not in any case ancestral songs, cherished with patriotic fervour, but debased or mutilated snatches from the orchestra, learned in the gallery, and propagated among the crowd. And in the case of these, the fashion changes in due correspondence with the public rage for successive melodramas or farces.

Wherever the passion for music is so inwrought into the character of a people, that all their most sacred and controlling sentiments are expressed in song, there and only there purely national music springs up. The songs of Greece are instinct with the life of liberty. The romances of the middle ages depict the scenes of chivalry. The history of the fallen Stuarts is contained in the Jacobite songs of Scotland. And in the last instance, where we have the melodies as well as the words, we find the airs perpetuated among the people. In all these cases, the national spirit breathed itself forth in music. But such is not the genius of the American people. What relics have we of the old French war? Not one. In what cherished song are the mighty achievements of the Revolution embalmed? We will not name those few burlesque effusions, which were adopted first in scorn, and continued by caprice. During our last war, the most unromantic surely that ever was waged, several clever song-writers engaged the public attention, and produced naval ditties, sportive, and for a time in use, but now absolutely forgotten. Is there a single melody attached to favourite words, which we can trace from cottage to cottage, or whose echoes come to us from the lake or the mountain? Do the boatmen on our mighty streams solace their weary hours by oft-repeated strains of the olden time? The answers to these questions may prepare the reader not to be startled at the position, that we have no national music. In polished circles, indeed, no one of the fine arts has been more happily cultivated; but this is a matter of another sphere. These influences, beneficial to a certain extent, are actually destructive of the popular idiom. By scientific culture we gain a mastery of the conventional and subtle, the *κοινή διάλεκτος* of music; but in the same degree we lose the rugged but penetrating characteristics of national melody.

National music is the offspring of national feeling. As a social luxury, it springs up where strong feeling is expressed in society. Its tones do not proceed from the hermitage or the cell, but from

the band of shepherds, the sylvan group, or the masses of the populace. It is the social element in religion which has made sacred music more wide in its influence among us than any other. In every circle, among the different sects of our people, we hear fragments of church melodies and hymns from the public service. Indeed, these are the only songs which in America seem to be a common possession. Popular music cannot flourish where the pleasures of the people are solitary. How different is the state of our society, in this respect, from that of France and Germany! When have we seen our public squares or village commons covered with bands of rejoicing people? In truth, we have no festivities. The name does not apply to those boisterous orgies from which the quiet and tasteful must fly, and where the smoke of burnt powder and the fumes of strong liquors indicate the reigning temper. When large numbers assemble, it is generally in mobs, and in the sullenness of temper which we seem to have inherited from John Bull, we lack that very buoyancy of gratified and hopeful minds which would go far to tame and mollify the fierce democracy.

We are very far from meaning that the introduction of many vacant days, or the multiplication of festivals, would benefit our people. As things are, the fewer of these the better. But we maintain, that the very temper which precludes the hearty festivities of large assemblies, is that which has kept us back from attaining such a treasury of song as is possessed by many inferior nations. If some poet should ever arise, who, like Burns, could speak out the inmost heart of the common man, and who, instead of casting every thought into the transatlantic mould, should embody the national feeling in words that burn, and so furnish to the husbandman at his plough, and the mother at her cradle, the simple vehicle for their sweet and home-bred thoughts, he would, by becoming the darling of the people, become their benefactor. This is the literature, not bred in cloisters, which we need to smooth away the asperities of the national temper. Melody would soon waft such songs far and wide, and for the first time we should feel the zephyr of music gently breathing over our utilitarian soil.

The refreshment and solace of music is needed by our operatives, needed by our scholars. "A distinguished professor of the island of Sicily," says Mr. William C. Woodbridge, in his lecture on Vocal Music, "on hearing the sad tale of the influence of study on our literary men, asked me, 'What amusements have your literary men in America?' As you will readily imagine, I was only able to answer, *None*. He expressed his astonishment, and added, 'No wonder they are sick, and die of study!' He informed me, that he spent a stated portion of the day in recreations, of which instrumental and vocal music were an essential part, and thought he could not live without the relief which they gave his mind."

The same remark is applicable to our common people. True, they do not demand muscular action, but they greatly need the healing quickening influence of a soft insinuating principle like that of which we speak.

Every traveller in Germany is struck with the prevalence of a taste for music. At all hours of recreation, the sound of mingling instruments and voices reaches his ear, from the school, the playground, the throng of labourers, or the public walks. And even where the intelligence of the people thus employed is far less than that of the corresponding classes among ourselves, the cheerfulness, quiet, and harmony are far greater. The German tribes had been early trained to music. The Roman Catholic church had given it abundant cultivation. And Luther, being himself a musician, and understanding its power, used all exertions to render its influence universal. His saying was, "A schoolmaster must be able to sing, or I will not look upon him." And he is quoted by Mr. Woodbridge as thus expressing his judgment: "When natural music is highly cultivated and polished, then we ascertain, for the first time, in part, (for it can never be fully understood,) and with astonishment, the great and perfect wisdom of God in this curious art. Wherefore, I recommend to every man, particularly to youth, and hereby admonish them duly to love, honour, and esteem this precious, useful, and cheerful gift of God; the knowledge and diligent use of which will at all times drive off evil thoughts, and diminish the effect of evil society and vices."

It is perhaps the gravest question connected with our subject, how far it is possible to form the national taste, or give musical culture to the people. An experiment has been made in Switzerland, which is full of encouragement. Allusion was made above to the prevalence of music in the Swiss cantons. Still, however, the French region in the south-west was far behind the remaining districts, and the music on the lake of Geneva was exceedingly debased. About three years ago, (we borrow from a European narrative,) a Saxon gentleman, named Kaupert, who has long resided at Morges, undertook to give gratuitous instruction to the youth of any village who would accept his services. The plan was deemed chimerical, but it was crowned with success. At Morges and the neighbouring villages there were soon heard vocal concerts of hundreds, which electrified the whole environs of the lake. He was followed by crowds, and his assemblies were often held in churches, and sometimes in the open air. In the former, hymns were sung; and in the latter places, moral, descriptive, or patriotic songs. "His plan," says our authority, "is to trace, in a clear and simple manner, upon a large black board, the notes of each lesson, and he furnishes each one of his pupils with a card or paper, containing what he judges fit for each step of instruction. He usually succeeds in ten lectures, to qualify these

vast masses to execute the simple and touching hymn or song, in parts and full concert, enrapturing all who witness the scene.”—“In the introductory lecture, he strongly affects the imagination and the sensibility of his hearers, by his descriptions of the powers and the intention of music, to breathe noble and generous sentiments, to harmonize the minds and hearts of men, to honour our country, to excite admiration of the works of God, and as the highest point of all, to show forth his praises.”

The grand secret of this benevolent man was this. He summoned not a select class, but the body of the people, disregarding all other distinctions but that of Swiss nationality; and he began with the actual practice of those melodies with which it was intended to conclude. Hence the largest assemblages were carried forward in the pursuit with ardour. Under such arrangements, we have often witnessed the rapidity with which the less practised part of a choir catch the spirit of their few distinguished leaders. From the very first the music was popular, and was performed in such circumstances as fostered the social feeling among all classes. Children, and students, and whole families together, entered themselves as learners. The appeal being made to their patriotism, every one made a merit of prompt compliance. After suitable preparation, a grand meeting took place in the great church, the noblest Gothic edifice in Switzerland. The societies were designated by banners, crowds flocked together from the vicinity, and two thousand singers took their places in the church, while multitudes thronged around the building as auditors. A hymn and tune of Luther's opened the exhibition, and the effect was beyond description. Among other pieces, a patriotic song of M. Olivier, *La Patrie*, “Our country, Helvetia! Helvetia!” served to animate the whole assembly with a rapture of national enthusiasm.

The simplicity of these methods, which is their most striking characteristic, renders them suitable models for other countries. There is no expensive machinery, and no alarming preparatory discipline. The effect has been a complete musical revolution in these districts, and we know no cause which should prevent similar results among ourselves. The same zeal and assiduity, especially among our youth, could not fail of their effect.

The enthusiasm was caught from hamlet to hamlet, and Swiss music became the reigning topic on every side. In Geneva, an attempt was made to frown upon M. Kaupert's endeavours by some of the aristocratical circles, but he succeeded to his utmost wishes. Youth and age mingled in his assemblies, the learned and the poor were alike smitten with the love of song; so that, when the principal collection of singers was summoned, there was no church in the city which was capacious enough to receive them; and when the performers met in the Plein Palais, they

amounted to four thousand. The torrent of harmony from such a concourse was most imposing, and it deserves to be remarked, that the asperities and discords of partially trained singers are found in practice to be wonderfully mollified, when the chorus is sustained by a multitude. Notwithstanding the difficulty of keeping time, and the adverse operation of the wind, the whole passed off admirably; the air rang with acclamations of delight, and a medal was struck in honour of the enterprising leader. Similar success attended his experiment at Lausanne. The whole population were animated with the same zeal, and associations were formed in the neighbouring villages. Other amusements gave place to musical entertainments, and a general harmony of feeling was produced in the whole country.

If any of our readers should judge that we have given too much space to a subject belonging apparently to the mere domain of taste, we must respectfully urge a reconsideration of the sentence, as we are persuaded that it has a most near relation to our highest national interests. The wisest men in all ages have acknowledged the power of popular songs; "which," we may say in Milton's words, "if wise men and prophets be not extremely out, have a great power over dispositions and passions, to smooth and make them gentle, from rustic harshness and distempered manners."

ART. II.—POETRY OF THE TROUBADOURS.

- 1.—*Osservazioni sulla Poesia de' Trovatori, e sulle principali maniere e forme di essa.* Modena, 1829. pp. 526.
- 2.—*Choix des Poésies Originales des Troubadours.* Par M. RAYNOUARD.

THE annals of literature present few phenomena so well calculated to excite attention or demand investigation, as the sudden rise, extensive influence, and rapid decay of the poetry of the Troubadours. The south of Europe had scarcely recovered from the repeated shocks of invasions from the north—its institutions, its arts, and its learning, had been destroyed; and even its language had been converted into corrupt and confused jargons—when the Provençal dialect, born from a mixture of heterogeneous tongues, assumed a superiority over all its contemporaries, and in the eleventh century began to be widely cultivated, and enriched by the productions of numerous poets. Its bards, almost at once, acquired a high reputation. Their fame was spread over a great part of Europe, and the permanent supremacy of their language, would seem to have been almost assured by their success. But almost

as suddenly as it had burst forth, the glory which shone around them and their works disappeared. After a brief existence of three centuries, the literature of Provence rapidly declined. The language, with all its elegance and harmony, and its thousand treasures of poetic fancy, yielding to the introduction of new dialects, gradually sunk into insignificance, leaving to modern times the only evidence of its triumphs in the obscurity of a forgotten tongue. The causes of the rapid decay of a literature, whose influence was not only so general during its own existence, but which has also affected, to a greater or less extent, that of succeeding times—though arising in some measure from political events—may doubtless be found in its own peculiar character, and in that of its numerous cultivators.

The corruption of the Latin language, by its mixture with those of the various barbarous nations which swarmed in the Roman provinces, and finally subverted the empire of the mistress of the world, gave birth, as might be expected, to different idioms, partaking indiscriminately of the characters of the dialects from which they were formed. From the fifth century to the tenth, the numerous and ever-varying races who peopled the southern part of Europe, communicated with each other in a confused and heterogeneous speech, which, changing with every popular caprice or revolution, served only to retard the progress of intellectual cultivation. It was impossible that a literature should exist at a time when its productions could not have been transmitted to a succeeding generation; and when it was deemed unsafe to entrust to the fluctuating popular dialect the chronicles of events worthy of remembrance. Thus none of the records or the histories of that period, nor even the songs composed on common occasions, which ever owe their origin to the tastes of the day, were written in the language employed for ordinary intercourse, but in Latin, which was generally understood, though much corrupted by the introduction of barbarous words. Europe at this time was sunk in the darkness of ignorance. No cheering ray appeared to dissipate the more than midnight gloom, till at length the dawn of returning light broke in from the east. The Arabians, the nation which had principally contributed to the overthrow of letters, whose conquests had destroyed civilization and intelligence in every country which they subdued, seemed now destined, by a law of compensation, to revive the reign of mind, and shed again over the earth the lustre of intellectual day. Turning from the triumphs of victory to the pursuits of voluptuous enjoyment, these conquerors enhanced and refined the delights of sense by the cultivation of higher attainments; and in the field of art and science, soon obtained a dominion scarcely less extensive and imposing than that which their arms had won. The influence of Arabian genius spread far and wide, awakening the dormant imagination of other nations, and

continued to produce its effects long after the mental empire had passed from the hands of its original founders, and become separated into various and remote dynasties. The beauties of oriental poetry, the rich and brilliant images in which it abounded, were transferred into foreign tongues, and eagerly imitated, thus imparting to the new literature peculiarities as distinct as possible from a classical character. Although, in the writings of the Provençal poets, we meet not unfrequently with allusions which prove incontrovertibly that the great masterpieces of Latin, and even of Greek learning, were not wholly unknown to some, it is no less evident that none of them possessed a taste sufficiently cultivated to relish or to imitate the beauties of classic lore. The Troubadours may thus far advance a claim to originality, that in naught are they indebted to the lessons or examples of the ancients. If scholastic learning was not utterly condemned among them, they at least profited not by it. In no instance had they recourse to the treasures of mythology which were at hand, to enrich their verses. They possessed in themselves the materials for poetry, independent of aught borrowed; subjects and images derived from their own local customs, and peculiar character as a nation. Their religious ideas, their chivalrous manners, their political habits and prejudices, and their general ignorance, unfitted them for the revival of ancient letters, and rendered it more easy to create a new literature, than to imitate an old one. To this indisposition to classical attainment may be attributed the number of the Troubadours, and their near equality in point of fame. No painful course of study was requisite, to win the guerdon of distinction; no elaborate care, to frame the poems which were to charm all hearers, and confer immortality upon their author. The minstrel sang to his harp, careless of censure, and secure of success, the praises of his lady-love, or the thrilling song of victory. The crown that rewarded his labours was bestowed by the hand of beauty, and we may well conjecture that it decked the brow of him who knelt most gracefully, or sang most gallantly of her charms, rather than the head silvered in the acquirement of wisdom. The profession of the "Gay Science" was as universal as the diffusion of the chivalrous spirit which inspired it. A sort of republicanism prevailed in letters; and the knight, with no fortune but his sword, won as proud a wreath of glory in the field of poetical contest, as the sovereign on the throne; while the latter disdained not to enter the lists with the humblest competitor.

The disregard of learning, among the writers of the *Langue d'Oc*, has been mentioned with truth as constituting one of the principal causes of the decay of Provençal literature. The resources of its votaries were easily exhausted; and having debarred themselves access to the glorious monuments of ancient genius, they were unable to supply the deficiencies of imagination. The bril-

liant and fantastical ideas borrowed from the Arabians, though dazzling at first, were wanting in truth and nature; and soon their universal adoption, while it deprived them of the charm of novelty, gave rise to a monotony which palled upon the mind. The Troubadours contented themselves with lyric effusions on subjects already hacknied, their want of knowledge preventing them from elevating their compositions—and attempted not the production of more lasting works, of an epic or dramatic kind. At the period of their prosperity had some great writer arisen, who, surpassing all his cotemporaries, should have furnished his successors with a single noble model for their imitation, combining all the beauties of the various compositions which now remain, with those beauties exalted by the splendour of a genius superior to that of the multitude, this exquisite language, so eminently adapted to poetry, would not have been so soon consigned to oblivion. The brilliant promise of its dawn, instead of relapsing into obscurity, would have ripened to the radiance of a perfect day. But no writer of this stamp appeared; and as it was thus impossible for Provençal poetry to possess a character more lofty than that belonging to the age in which it was cultivated, it was natural that it should decline with the spirit which produced it; and that subsequent authors who availed themselves of classic learning, should choose a language distinct from one already appropriated by the vulgar.

The merit of originality, which the Troubadours certainly possessed in a remarkable degree, has scarcely been sufficiently noticed. It is in this light that, to do them full justice, we should examine and appreciate their compositions; and while we acknowledge their defects, deny them not the praise of having created an independent literature, which has been far from useless in the formation of succeeding ones. Their sentiments, their images, and expressions, constitute the language of amatory poetry in many modern nations; and though elevated and improved by modern refinement, we should not ungratefully disregard the source whence they were derived. The sensibility, the ingenuity and energy which characterize the productions of these bards, cannot be overlooked; nor the brief and brilliant period of their success cease to be a subject of interest; and if their poetry, after flourishing for a short space upon an inhospitable soil, has been destined to wither and perish from the sight of men, its influence still exists, and is perceptible in the manners and genius of remote nations.

The rise of chivalry was cotemporaneous with the birth of poetry among the Troubadours; and each produced upon the other a marked effect. The high and enthusiastic notions of the passion of love derived from the eastern nations, and the equally ardent feelings of religious zeal, stimulated the warrior to deeds of enterprise and fame. The minstrel roused by his strains the ambition of knights and princes, and incited them to take up arms to avenge

the profanation of infidels, and accomplish the deliverance of the Holy Sepulchre; then marching himself in the train of the armies of the cross, sought renown as a warrior, and proved himself as able to vindicate Christian rights in the day of battle, as to sing of Christian heroism and triumph. On the other hand, the bold and reckless course of life pursued under the feudal system, contributed to nourish that poetical spirit which rendered the life of the warrior one of enchantment. Instructed to court dangerous adventure, and to despise death, the true knight was distinguished by a fearlessness and independence which imparted a character to the strains of the poet, who in turn celebrated and blamed as they merited the deeds passing under his observation; and never scrupled, when occasion offered, to denounce the vices of the peasantry, the excesses of the clergy, the disorders of the nobility, or the wrong and injustice of crowned oppressors. If the freedom of these chivalrous moralists approached sometimes to harshness and severity, we cannot deny them the praise of having generally espoused the cause of the injured; while they sought to chastise the vices of those who, by disregard of the courtesies or charities of life, had given their bold monitors the right to rebuke their faults. These admonitions were seldom contemned; the law of public opinion exerted an unbounded sway even over those who despised the restraints of morality; and the reckless adventurer, whom no tie of personal interest could bind, was awed into obedience by the decisions of a court at which ladies only presided. Devotion to the fair sex was the ruling passion of the Troubadour. Love was the light of his existence, the inspiration of his verse, a feeling mysterious and sacred, sharing only with religion the empire of his heart. Under the dominion of Raymond Berenger and the succeeding counts of Provence, love assumed a character of veneration before altogether unknown, and no hyperbole was too extravagant to celebrate those charms which constituted the inexhaustible theme of the Provençal bards. In illustration of their style of praise, we cite a passage from one of the *chanzos* of William de St. Didier, which is sufficiently comprehensive.

"The model of all perfectness and grace
Is she whose charms the minstrel's praises claim;
All that she owns is fair; her beauteous face—
Her speech—her mien—her deeds—her dower—her name.
Should not her beauties in my verses blend?
Ah! were my lays but worthy of their theme,
The songs of other bards would they transcend,
As she doth far outshine the loveliest dame."

The sorrows of unreturned affection were a favourite theme with many minstrels, who loved to sing of the cruelty of their mistresses, rather than seek consolation in the smiles of others. Thus Perdigon:

" Blest be the cares, the griefs, which cruel love
 So long hath caused me! To his ruthless chain
 I owe the ecstasy which now I prove,
 A thousand fold enhanced! Remembered pain
 But makes the present rapture doubly sweet;
 Without my woes I ne'er had been so blest;
 They only who have known such pangs to meet
 Can prove the pleasure with redoubled zest."

If at all times their poems were remarkable for a redundancy of sentiment and language, not unfrequently do we find graceful images and ingenious turns of thought; as when they offered to the fair arbiters of their destiny that sincere homage in which the heart and the fancy had equal share. The following fragment from Peire Rogiers contains a figure frequent among them.

" He who has looked not on my lady's face
 Can never hope such beauty to behold;
 Each bosom kindles with her matchless grace:—
 Nay—in her presence, night, obscure and cold
 Shines with the lustre of a borrowed day,
 Happy whose eyes can meet her charms' array!"

One of the most remarkable peculiarities of the poetry of the Troubadours is the *mélange*, the confusion of the images of religion and love, and the indiscriminate application of similar expressions to either subject. The sole ambition of the minstrel being to cultivate at the same time the two most vaunted feelings of his nature, devotion and love, he frequently speaks of paradise, the angels, and the Holy Virgin, in the same breath with the charms of his mistress; and in praising her, dreams not of infringing his duty to the celestial powers. This species of profanity, which in another age and country would have been reprobated as grossly irreverent, forms one of the distinguishing characteristics of this nation of bards, and proves the universal laxity of principle among them. Even if we yield our belief to the sincerity of the sentiments in the breasts of these poet lovers, that betrayed them into such extravagance, we shall find it difficult to pardon it. This extravagance, born of the spirit of the times, bears the impress of its enthusiastic nature, and of the disregard of scholastic rules which distinguished the Troubadours. In a song of William de Cabestaing, he prays that the Virgin may inspire the heart of his lady with tenderness for himself; and the name of the Deity is continually invoked in appeals to the mercy of the cruel fair. Sometimes this devotion becomes absolute profanity; as, where Hugues de la Bachellerie declares that he never recites a *pater noster*, when his heart addresses not the image of his lady at the utterance of the phrase, "*Qui es in cælis*."

One of the most celebrated among the amatory poems of the Troubadours, is a song by the Countess de Die, forsaken by her lover; "and never," says the ingenious Raynouard, "did an amor-

ous lay combine so much of the expression of forlornness with that of a love so tender and passionate. Sentiments the most pure, the most sincere, the most exquisite, have dictated these verses. If we compare them with those of Sappho, we shall have a just idea of the distinction between the character of classical love poetry and that of the Troubadours. The love of the Grecian poet bears the impress of an age when the sensibilities were purely physical; when as yet woman was not admitted, as in a more advanced stage of civilization, to form the chief ornament of society. The enamoured Provençal poetess speaks a different language; her feeling flows from the heart alone; her sensibility is intellectual." Although not fully agreeing with the learned critic in his definition of the character of Provençal love, we offer a translation of this poem. In embodying its sentiments in English verse, it must necessarily be deprived of that beauty, which is owing to the harmonious arrangement of words in a language of surpassing melody. "Its graces," to use the words of a French critic, "are delicate flowers, whose odour must be breathed upon the stem; whose fragrance is exhaled, and whose brilliancy sullied, the moment they are removed from the parent bed." Notwithstanding, to present a paraphrase in prose of the ideas and images of Troubadour poetry, were to do it far less than justice; and since its highest charm is owing to the melody of verse, the advantage should be preserved in as great a degree as possible in transferring them to another language.

"SONG OF THE COUNTESS DE DIE.

Grief's accents dwell upon my tongue,
And sorrow now inspires the song,
I weep for him, alas! whose love
Was once this slighted bosom's joy;
Without whose smile, nor wit, nor grace,
Nor mirth, nor charms, my thoughts employ.
I am deceived, betrayed to scorn,
As if my crimes had made me mourn.

One thought at least, to soothe my pains,
Dear author of my wo! remains,
My truth—my changeless truth, Valence
Seguin ne'er loved as I love thee;
Thee I surpass in tenderness
As thou in brightness conquerest me.
For me in thy looks anger lies,
Where goodness shines for other eyes.

What sudden anguish chilled my heart
When first it proved thy cruel art!
Can I thy coldness cease to mourn?
Ah! justly it can never be
To other dames should falsely turn
The heart that once beat true to me.
Think on our early love; Oh never—
Heaven grant—my hand those ties shall sever.

Thy merit and thy nobleness
 Taught me to fear thy falsehood less.
 I know the fairest and the best
 Of this, or any distant land,
 In choosing thee, were wise and blest:
 But thou, who can'st in love command,
 By tokens past know'st whom to call
 Sincerest, tenderest of them all.

Upon my rank, my charms, I'll dwell:—
 Yet more that I have loved so well.
 Thus to thy careless glance I send—
 A messenger of love—this song;
 And claim to know, beloved friend,
 The cause of all my cruel wrong.
 Was it thy hate that caused my wo?
 Or gave thy pride the ruthless blow?"

These gentle poets, when they ceased to sing the delights or the torments of love, and turned to loftier themes, were not unworthy of attention. When the minstrel essayed, in just and honourable grief, to consecrate the memory of his prince, or of the nobles who had merited his attachment and public esteem, his verse, plaintive and eloquent, rose to the dignity of the ode. Of this kind is that of Gancelm Faidit, composed upon the death of King Richard, at the close of the twelfth century. In their *sirventes*, the Troubadours gave vent to the satirical spirit which aimed to rebuke the vices of the age, or to gratify the rancour of personal hostility. Their censures, dictated as they not unfrequently were, by an envious or vindictive temper, were severe and exaggerated, if not always unjust. Yet they throw a strong light upon the manners, the opinions, and the prejudices of the times; and the judicious observer will be at no loss to discern, in pictures coloured more or less highly, the tints that belong to nature and truth. The bitterness which characterizes some of these effusions is no less remarkable than the boldness with which the shaft of satire is aimed at the great and powerful. Not unfrequently is the elegiac ode to the memory of some departed hero used as the cover of a virulent attack upon living princes. When Sordel laments the death of Blasas, his friend and benefactor, in recounting his excellencies as a warrior and a Troubadour, he embraces the opportunity to rail at the great, who, he says, can never emulate the virtues of the departed; and recommends that the heart of Blasas be divided among those coward princes and barons, believing that the smallest part of the treasure would suffice for each. To this curious piece Bertrand d'Alamanon replied; and improving upon the judgment of his contemporary, maintained that it would be in vain to deal as proposed with the heart of the dead soldier; since five hundred hearts like his would fail to bestow courage on the noble who possessed it not. He suggested, that the precious relic might be rather divided among the fairest and best of the dames; and enu-

merating a goodly list of these, terminates his verses with the pious wish, "that God the glorious would accept the soul of Blacas; his heart is with the dames, whom it was ever his ambition to please." Notwithstanding their disposition for satire, and their disregard of the rank which in later days has secured immunity from censure, the Troubadours were not averse to render justice to the talents and success even of their rivals in the pursuit of glory. It was particularly against the priests that the severity of their abuse was directed; the hypocrisy, the avarice, and criminal indulgence of this class, furnishing a continual theme for complaint.

In the martial songs of these bards, it is remarkable to observe the almost ferocious enthusiasm with which they dwell on pictures of war. We might fancy ourselves listening to the fierce strains of those renowned Northern Scalds, who, inaccessible alike to fear and pity, roused to combat the stern followers of Odin, and by presenting constantly images of carnage and blood, emboldened the warriors to meet without reluctance the real horrors of the field. Gaily does the Provençal poet sing the delight of witnessing the hostile preparation and the fierce encounter—the sight of fields covered with horses armed for the battle—the ruin of trees and vines, and the sheaves of the industrious serf, which impeded the advance of the glittering troops—the shattering of armour, the trampling of combatants, and even the groans of the wounded and dying. His zeal is particularly evinced in exhortations to the warriors of his land to arm for the deliverance of the Holy Sepulchre; and the songs of this kind breathe a spirit of religious enthusiasm highly honourable to those who composed them. After the first crusade, the Count of Poitiers thus celebrates his own zeal for the conquest of Palestine.

"Faithful to ties by duty wove,
I arm at glory's restless call;
To pass the seas, where pilgrims rove,
In Heaven's just cause to fight or fall.

Farewell the gorgeous tourney's scene,
The pomp that made this bosom blest;
When God his champion summons hence,
Shall aught my onward course arrest?

Forgive—companions of my toil—
Each reckless word!—repentant tears
I pour to him who rules the storm,
My prayer in various tongues He hears.

Too long the world possessed my heart;
Now God's own voice hath loosed the chain:
Yet at His dreaded judgment seat,
Beneath sin's weight I sink again.

Oh friends! when on the crimsoned field,
In wounds I pour my parting breath,
Round me your sighs regretful yield,
And soothe with hope the hour of death."

Our attention is also claimed by the institution of the *tensons*, or poetical contests, where the combatants discussed questions of taste or gallantry in verse, in the presence of noble princes, or before the ladies who constituted the Courts of Love. The most delicate and subtle inquiries were frequently submitted for judgment, and the decision, whatever it might be, was seldom appealed from, and never received with disrespect. In the debates, the refinement of honour was carried to the highest point. Love was represented as it existed in the imagination, pure, delicate, and devoted, and free from the grossness which sometimes disgraces the songs and the lives of the Troubadours.

The history of the "Courts of Love" is essentially interwoven with that of the poetry of Provence, and throws a light, highly interesting and important, upon the spirit and manners of the middle ages. In those tribunals, inflexible as they were powerful, beauty herself presided; and in the exercise of a sway delegated by the consent of universal opinion, denounced punishment, more or less severe, upon the inconstancy of lovers, and the cruelty and caprice of the fair, or gave decision upon doubtful points of casuistry. We are compelled, however, to confess, that their authority, instead of reforming social manners, only sanctioned the disregard of moral restraints; although they introduced an affectation of refinement, into a passion which, in an age of zeal, might otherwise have assumed a character of boundless impetuosity and extravagance.

Little information worthy of reliance can be obtained respecting the first establishment of these courts. None of the early French writers give a satisfactory account of them; and even the Abbé Millot, in his literary history of the Troubadours, has paid but little attention to the traditions of their appointment. The most complete proofs, however, may be found, of their existence during the latter half of the twelfth century; and, reasoning upon probabilities, we must suppose that they flourished long before; since, as their institution originated not in the authority of civil law, but in the slower operation of popular custom, it would be hardly just to assign to them so recent a foundation, when it is ascertained, that before the year 1200, they had extended over the middle and north of France. In the chivalric games which constituted the earliest amusements of the Troubadours, their passion for controversy, developed in the agitation of questions relating to love, is chiefly remarkable. Of these disputes, the Count of Poitiers, who lived in 1070, and was one of the most ancient of the bards whose works remain, thus speaks—

"E si m partetz un juec d'amor,
No sui tan fatz
No sapcha triar lo melhor."

"And if you propose to me a game of love, I am not such a fool as not to choose the better side of the question."

In acknowledging the existence of the *tensons* at that early period, it is unreasonable to suppose that the debates were conducted without the jurisdiction of a tribunal of some kind to pronounce upon the merits of the question; it is therefore rational to conjecture that the establishment of the courts of which we speak, took place at a period prior to the date of the poem of the Count of Poitiers.

It is asserted by most historians, that the marriage of King Robert with Constance, daughter of William, first Count of Provence, about the year 1000, was the epoch from which may be dated the introduction of the manners of the Troubadours into the Court of France, the fair bride bringing in her train the poets, jongleurs, &c. of her native land. From that time the Gay Science was generally professed. The graceful ease of Provençal manners, and the arts of poetry, extended from the provinces south of the Loire over the whole of the northern part of France. The above union having produced such an effect, a new impulse was given to the diffusion of polished manners and elegant literature, more than a century after, in the marriage of Eleanor of Aquitaine with Louis VII. The granddaughter of the famous Count of Poitiers, this princess received the homage of all the bards of her country, and bestowed upon them liberal encouragement. Bernard de Ventadour, one of the most celebrated, consecrated to her his genius and devotion, and continued faithfully to yield her his tributes of admiration and song, after she became Queen of England. She presided frequently at the Courts of Love, as did also her daughter, Mary of France, Countess of Champagne, a gentle princess, to whom her husband owed the literary taste for which he was distinguished among the princes of his age, and which procured him the title of Liberal.

That these fair tribunals were attended by great numbers of ladies, is evident from various sources of information. In the account of a *tenson* held before the Countess of Champagne, we find the statement—"The Countess, having summoned around her *sixty dames*, gave the following judgment——." Nostradamus also names a vast number of judges who sate in the Courts of Provence, and were sometimes assisted by Chevaliers.

These tribunals enacted certain fixed rules, for the strict observance of all who were subject to their jurisdiction. The Court of Gascony, with the unanimous assent of all the ladies who presided in it, ordained "that its judgment should be observed for a perpetual constitution, while those who refused to submit should incur the censure of every honourable dame." An appeal could rarely be made from the decision of one tribunal to that of another; and when debates were submitted, involving the repetition of questions already decided, the former judgment was almost invariably con-

firmed. The opinions of the court were regulated by the "code of love," whose laws were held sacred by all true subjects. A writer of the middle ages gives a curious and fanciful account of the discovery of this highly valued system of rules. According to him, a knight wandering in search of a falcon, which he was to bring to his lady, found with the bird a written paper, suspended to its perch by a small chain of gold. This paper proved to be the code of love, and it became the duty of the knight to make his discovery immediately known. The document being presented to the court, composed of dames and chevaliers, its rules were adopted entire, and obedience to them was ordained, under severe penalties. All who had been summoned to sit in the tribunal, took home with them a copy of this code, that it might be distributed in different parts of the world.*

Their *arrêts*, or judgments, were worthy of notice, as showing the openness with which they contemned the obligations of matrimony. The question, "Can true love exist between married persons?" after long and prudent consideration, with the counsel of a great number of dames, was solemnly decided in the negative. The Viscountess Ermengarde gives to the inquiry, "Does the strongest attachment subsist between married persons or lovers?" the following answer:

"The attachment between persons united in wedlock, and the tender affections of lovers, are sentiments altogether distinct in their nature. A just comparison cannot be instituted between objects which bear no resemblance to each other."

The following *arrêt*, cited by Raynouard, also throws a striking light upon the manners of the Troubadours.

"A knight was enamoured of a lady who was already engaged to another; she promised to favour him, if she should ever chance to lose the love of his rival. To the latter she was shortly after united in marriage. The knight then claimed the fulfilment of her promise, which she evaded, on the plea that she had not lost the affection of her first lover."

* This instrument contained thirty-one articles, which are quoted by Raynouard; the following were among the most remarkable:

1. Causa conjugii ab amore non est excusatio recta.
2. Qui non celat amare non potest.
3. Nemo duplici potest amore ligari.
4. Semper amorem minui vel crescere constat.
7. Biennalis viduitas pro amante defuncto superstiti præscribitur amanti.
10. Amor semper ab avaritiæ consuevit domiciliis exulare.
13. Amor raro consuevit durare vulgatus.
14. Facilis perceptio contemptibilem reddit amorem, difficilis eum carum facit haberi.
17. Novus amor veterem compellit abire.
22. De coamante suspicione percepta zelus interea et affectus crescit amandi.
24. Quilibet amanti actus in coamantis cogitatione finitur.
31. Unam feminam nichil prohibet a duobus amari et a duabus mulieribus unum.

This affair was submitted to Queen Eleanor, who gave the following decision :

"We dare not contradict the decision of the Countess of Champagne, who, by a solemn decree, has decided that true love cannot subsist between married persons; we therefore direct, that the dame above mentioned shall grant the love she has promised."

We also find recorded, the case of a lady, who unnaturally required of her lover, as a condition of her favour, that he should never praise her in public; and her complaint against him for the violation of an engagement to that effect. It seems that extenuating circumstances on his part were considered, since the whimsical fair one was compelled to retract her unreasonable prohibition, it being the first duty of a lover to vindicate his mistress's character when assailed.

Although most of these decisions may seem, in our unprejudiced opinion, to wear the aspect of an absurd jest, yet no doubt can be entertained of the grave character of the tribunals, and the real extent of their authority. Their authority was based upon public opinion, and this gave them a sway more extensive and indisputable, than that of civil enactments. The criminal, who had set the laws at defiance, might find pity, and perchance succour, at the hands of his fellow-citizens; but shame pursued the culprit convicted of unknighly demeanour at the bar of the Court of Love. The influence of fashion, or of prevailing sentiment, has wrought still greater wonders in our own days. The same power which sanctioned immorality among the Troubadours, now makes it honourable to avenge a petty quarrel with bloodshed, renders venial so many dangerous vices, and affixes the stain of infamy to others far less heinous.

The Italians, with even more zeal than the French, have distinguished themselves in research after the antiquities of the Troubadours. The volume of observations at the head of our article, contains information at length upon the different forms of versification, and the various kinds of poetry in vogue among the Provençal writers, explained with much care, and compared with the early forms of Italian verse, originally derived from them. The author has divided his work into four parts, the first two of which are devoted to the examination of poems purely lyric, and the third to those of a moral or didactic nature; while his remaining division is occupied with a discourse upon the utility of the study of the language and literature of Provence. His object he has stated to be, to make known, in some degree, to his countrymen, the treasures of a tongue, to which their own was indebted for many of its beauties, and to open the way for a full and perfect exposition, in a work more elaborate than his own. Equally with himself, we respect the claims to attention which these monuments of art pre-

sent, and therefore shall briefly notice the more prominent facts connected with them.

The terms *Vers*, *Chansos*, *Chans*, *Sonets*, *Coblas*, &c., are stated by our author to have been originally used to express indiscriminately any kind of poetry; and only in process of time were employed to designate the different species to which they were at length respectively restricted. The appellation *Chansos* was at all times rather indefinite, as it was applied to poems composed with a view to musical accompaniment, which was the case with the greater number of those of the romance writers. Nor does the Italian *Canzone*, derived from it, appear to have been at first less vague; since we perceive Bembo giving the name of *Canzoni* to the sonnets of Petrarch. And Dante himself speaks of his illustrious work, which does not appear to have been destined to be sung, by the same name:

"Di nuova pena mi convien far versi,
E dar materia al ventesimo Canto,
Della prima *Canzon*, che è de' sommersi."
Inferno, C. 20.

The term was applied by the Provençals to lyrical compositions divided into a number of stanzas or strophes, each rhymed, and generally corresponding with the first, though varied in the arrangement of rhymes. It terminated in a shorter stanza, in which the motive of the author was unfolded, and which, addressed to the favoured object of affection or praise, served as a sort of envoy or dedication to the *canzone*. The poet who produced these compositions, was expected to provide the music which formed their recommendation; and found his claims to attention much increased, if the melody to which he united his words were new to his hearers; though frequently he resorted to airs already popular. The custom of singing their verses, without doubt contributed essentially to the reputation which the Troubadours acquired. They were imitated by many of the Italian poets; Michael Angelo Buonarotti is said to have accompanied many of his productions upon the musical instruments, in the use of which he excelled; and the performances of the *Improvvisatori* convey us in fancy back to the inspirations of the Troubadours.

The expression *chans* seems to have had a signification yet more general. It is equivalent to the Italian *Canto*, denoting any species of poetry, expressive of its character of melody, and is also applied to the divisions of a long poem, in place of the Latin *Libri*. Much has been said respecting the origin of the Sonnet; and that the name was given among the Provençals to compositions very different from those which at present possess the title, is sufficiently evident. Peire Rogiers, in his instructions to his jongleur or minstrel, calls his light and brilliant strain a sonnet; and a pastoral

effusion of Guy d'Uissel, proves it to have been merely a short and light species of song. It begins thus:—

“L' autre jorn per aventura
M' anava sol cavalcan,
Un Sonet notan,
Trobei toza ben' estan,
Simpl' e de bella faitura,
Sos aignels gardan,
E quant' ilh m' auzi cantan,
Trais s' enan,
E pren me pel fren”

“As leisurely the other day,
Upon my steed I took my way,
A careless sonnet singing,
Lo! in my path a maiden stood,
Graceful, of visage fair and good,
Her flock from pasture bringing.
She, when she heard my murmured song,
Came forward in my path along,
And o'er the bridle flinging”

The earliest verse-makers among the Italians, who followed implicitly the steps of the Provençal poets, used the term sonnet in a sense widely different from their successors, it being often applied to poems of a short and irregular metre. Even Dante, in an early work, has given the epithet of sonnet to a poem not entitled to the distinction from its conformity to the established measure. It is true, that compositions possessing all the characters of the legitimate sonnet, may be found among the works of the later Troubadours; but they are far from proving that this form of verse was early used, much less that the sonnet of the Italians was imitated from the writers of the Langue d'Oc, the reverse, indeed, being the case. Crescimbeni, in his *Lives of the Troubadours*, cites a Provençal sonnet composed in praise of Robert, King of Sicily and Naples, and Count of Provence, a monarch who was the protector of Petrarch, and who died in 1333. This form of verse had then belonged to the Italians for more than a century; and such posthumous specimens served but to show the necessity imposed upon the few poets remaining among the Troubadours, in consequence of the degenerate and despised condition of their once beautiful language, of having recourse to the example of writers in a more modern tongue.

The form of verse distinguished as *coblas*, took its name undoubtedly from the Latin verb *copulare*, having a similar origin with the *cobbola* of the Italians, and the *couplets* of the French. This derivation would seem to indicate that the term signified verses rhymed in couplets, and such is the definition of it given by a noted critic; yet it is certain that the expression is applied to many of the poems of the Troubadours, without reference to such a mean-

ing. It occurs in the beginning of a song where the rhymes of the stanza are alternated:—

“Aissi cum es bella sil de cui chan,
E belhs son nom, sa terra, e son castelh,
E belh siey dig, siey fag, e siey semblan,
Vuelh mas *coblas* movan totas en belh.”

“So lovely is the charmer whom I sing,
So fair her lands, her castle, and her name,
So bright her looks, deeds, words, and every thing,
I would my *song* should be in grace the same.”

The same epithet, as Raynouard informs us, was frequently applied by the Troubadours to their amatory poetry, when they spoke of it in contradistinction to that upon other subjects; thus Gaucelm Faidit:—

“E m plai, quant aug dir de mi: Aquest es
Tal que sap far *coblas*, e *sirventes*.”

“It pleases me when I hear them say of me—He knows how to make both couplets and *sirventes*.”

It is probable that it was among the primitive forms of verse, and that its combinations and modifications gave rise at length to the *chanson* and the *sonnet*, with various others. Thus a madrigal or epigram of Sordel, where every line rhymes with the first, is called a *cobla*. From this was also derived the *stampida*, a form of verse divided, like the Italian *canzone*, into different stanzas. The term became Italian, as we perceive in one of the tales of Boccaccio—“When a *stampita* and a *ballatetta* or two were sung, &c.” It also signifies in the latter language a tedious discourse.

Arnaud Daniel, according to the opinion of most historians, was the first inventor of the *Sextine*, a species of verse most peculiar and difficult in its structure, which was imitated by many Italians, particularly of the fifteenth century. The merit of having invented rules which must embarrass the poet to such a degree as to render it impossible for him to deserve any praise save that of ingenuity for his performance, seems to have conferred an enviable and lasting reputation upon this fortunate writer. All his poems have a character of obscurity which rendered them difficult to be understood even by his countrymen, yet he has not frequently ventured upon a style of composition of which he left the first example to posterity, very few specimens of the *sextine* being found in his works. This poem is composed of six stanzas of six lines each, and the words which complete the lines of the first verse, must terminate those of the remaining five. Nor does this constitute the only difficulty, as there are also rules for the order of repetition. Thus in the second stanza, the word which ends the first line must be the same that concluded the last line of the preceding verse; that ending the second line the same with the first of the first verse; the third with the fifth; the fourth with the second; the fifth with

the fourth; and the sixth with the third. The third stanza must bear the same relation to the second, that the second did to the first, and so on throughout the whole. A short commendatory verse of three lines follows the six perfect ones, in which two of the final words terminate each line. We have formed our description of this singular composition, upon a model furnished by M. Raynouard, which is certainly a genuine specimen.

Besides the *Breu doble*, of which little is known, but which is supposed to derive its name from the shortness and small number of the stanzas, the Provençals had a singular poem, called *descort* or discord, so named not only from its metrical irregularity, and the variety of airs to which it was adapted, but from the diversity of the language in which it was composed. Frequently were the different strophes in as many different tongues—Provençal, Tuscan, French, Spanish, and Latin; while sometimes they were brought into still closer contact, the language being changed with every line. These compositions are curious, as they serve to show the near relationship between the dialects of the south of Europe, and the readiness with which they were reciprocally understood.

The different kinds of poems among the Troubadours, distinguished by the subject and general character, rather than by the various forms of versification, deserve attention. These classes are more numerous than is generally supposed, their poetry being chiefly arranged under two heads, according as the subject treated was love or war. These constitute the leading divisions, while minor ones, scarcely less worthy of observation, are overlooked. One of the latter is a species of verse consecrated to funeral occasions, respecting which our author, most enthusiastic in his admiration of the beauties of these writers, their tender and impassioned sentiment, and delicate shades of thought, speaks thus,—

“What phenomenon of nature could strike so sensibly, or affect so deeply the minds of such beings, as that of death? To feel the loss of the fair object of their hearts’ idolatry, the theme of their songs, on whom they had conferred, in receiving glory—or to be deprived of the beneficent patron and lord, who had loaded his favoured minstrel with benefits and distinctions, who had rewarded the productions of fancy with wealth and honours—were sorrows which required to be celebrated in the strains of poetry, as well as lighter emotions. The most impassioned love, diverted from its earthly course, soared to a more sublime and spiritual height, while religion, though often involved in the gloom of superstition, lost not its native majesty, nor ceased to animate the inspirations of the poet. These mournful effusions constituted a species by themselves, distinguished by a graver tone of thought, appropriately expressed in lines and stanzas longer than usual; and in place of the customary envoy, terminated by a short verse denoting sorrow for the loss sustained, or a supplication to the Deity for the soul of the departed.”

This composition, borrowed from the ancients, was called *planh* or lament. The Italian *pianto* is similar to it; thus Petrarch, in his canzone on the death of Laura, styles his verse—

“Canzon mia, no, ma Pianto.”

We are reminded here of a celebrated funeral ode, composed by Cino da Pistoja upon the death of the Emperor Henry VII., and formed upon the model of those of the Troubadours. This lament is touching and elevated, and partakes of the true characters of Provençal poetry, showing how readily the early Italians adopted the poetical customs of their neighbours.

Of the *tenso*s we have already spoken, where the poetical combatants exercised their skill on various subjects, the questions for controversy being connected with knighthood, morality, or religion, though most frequently pertaining to love and gallantry. The arguments on both sides were advanced alternately, either in regular stanzas, or in verses of an unequal number of lines. Lest the controversy should extend to an unreasonable length, it was the duty of one of the competitors, when he observed no signs of yielding in his adversary, to put an end to the contest by ceasing to reply, or by subjoining to his argument a direction or commendation similar to the envoy or message of the *chanzos*, in which he submitted his cause to the chevalier, lady, or court, by which it was to be judged, his opponent adding to his discourse a similar verse, in which he coincided with the choice of the other, or named a judge for his own side.* Thus in a debate between Gaucelm Faidit and Perdigon, the former ends thus:—

“Totz temps duraria ill tenso
Perdigon, per qu’ieu voill, e m platz
Qu’el Dalfin sia ’l plaitz pausat,
Qu’el jutje, e la cort en patz.”

“This everlasting game to end,
Perdigon, it doth please me now
That Dalphin’s judgment we attend—
To him and to the court we bow.”

To which the other replies in all courtesy,—

“Gaucelm, tant es vera ill razos
Qu’ieu defen, et el tan senatz,
Que s’ en lui es lo plaitz pausat,
Voill que per lui sia jutjat.”

“Gaucelm, so well instructed he,
So just the truth which I defend,
To him, if you submit the plea,
I dare my righteous cause commend.”

But the decision was not often committed to a single umpire—the opponents choosing separate arbiters, who were to decide with deliberation and with united voice; thus giving rise to the courts of which we have given some account. It is probable that most of the poetry in which these discussions were conducted, was uttered without previous preparation, though the evident care bestowed on its construction, and the frequent recurrence of rhyme,

* If more than two combatants sustained the debate, it was called a *Torneyamen*.

have induced many to suppose it generally the production of the closet. The frequency with which the same rhymes were employed is indeed surprising, and might almost justify Tiraboschi's belief that the name of Troubadour was suggested by their facility in finding or inventing rhymes. The disposition, however, to protract the debate, as well as the enmity and jealousy often existing between the combatants, precludes the idea of any coalition between them to deceive the spectators and the court. Their talent of extemporaneous composition is less wonderful than the same art displayed among the modern Italians, since in the heat of contest the accomplished Troubadour would naturally be stimulated to a rapid utterance of his thoughts, and the excitement of emulation would have an effect in polishing and improving his lays.

It appears that the *sirventes*, though the term afterwards denoted poems of a satirical nature or the stirring songs of war, were originally the mere expressions of humble devotion or supplication. The appellation itself favours this opinion; and Roquefort in his Glossary gives the following definition to the word—"Chanson, sonnet, ou chant royal composé sur la Divinité, ou en l'honneur de la Vierge, ou sur des sujets sérieux, qui avoient toujours pour but l'obtention d'une grace, soit de la Vierge, soit du souverain, ou d'une maitresse, etc." By degrees, as in the progress of society, the passions of men began to overpower the primitive feelings which engendered involuntary respect for the poet and his lofty creations, the lays consecrated to religious humility assumed the aspect of moral precepts, designed to direct to the path of virtue by the force of salutary admonition. The excesses and immoralities of the clergy especially provoked severe remonstrance, at first confined to their class, until the *sirvente*, from the lowly aspiration after the mercy or favour of superiors, either earthly or celestial, rose to the dignity of a poem professedly satirical, in which the follies or vices of no rank were spared, however sacred it had hitherto been held. A new meaning became attached to it, as a theme more exalted than any yet offered to the imagination was at length presented. The standard of the cross was displayed throughout the countries of Europe by its devoted followers, who, promising the pardon of sin, and immortal rewards, incited the warlike nations to rise for the redemption of the Holy Sepulchre from the hands of infidels. To the minds of these warriors, as motives for exertion, were presented prospects of a guerdon less remote than that of heavenly felicity—the glory to be obtained in a thousand dangers and combats, and the rich spoils of their eastern foes. The splendour of an enterprise like this failed not to kindle the vivid imagination of the bards of Provence, and was soon celebrated in their strains; and the *sirvente*, animated by the images of war, awakened the souls of those who went forth to battle, to the savage joy of vengeance, and to deeds of courage

and renown. Our author presents opposite examples of this kind of verse, in its successive stages of signification—as a pious petition—a moral lesson—and an effusion of warlike enthusiasm.

Poetry of the pastoral kind was particularly in favour among the Troubadours. Emphatically the bards of nature, and inhabiting a climate where she is most propitious, they delighted to draw their images from her beauties, and to associate their admiration of her charms with the fantasies of love. Their *Pastoretas*, which were a species of eclogue, were generally given in the form of dialogues between the cavalier, listlessly wandering on some secluded path, and the young shepherdess who chanced to feed her flock upon the spot, or the juvenile swain, who bewailed the cruelty of his beloved. These conversations were preceded by descriptions either of the mood of the poet, the scene of the meeting, or the beauties of the season.

Many different poems are classed under a distinct head, as being accompanied by a kind of chorus or returning stanza; and these seem to have stood high in the estimation of their authors, the repeated lines adding much to the melody for which their verse was ever distinguished. Of this kind are their amorous lays upon the dawn, or the evening; their *retrouanges*, their *baladas* or ballads, in which the words which commenced the first stanza formed the chorus of each succeeding verse; their *dansas*, and their *redondes*, whose name denoted their nature, like the *rondeaux* of the French, and the *ritondelli* of the Italians. Besides these varieties, and numerous others which it would be tedious and unnecessary to mention here, the songs of the Troubadours required new and distinctive appellations, not only from the subjects on which they were composed, but from the motives which gave rise to their production. Thus a *comjat* or leave-taking was a lay in which the lover, despairing of pity from his relentless mistress, formally renounced his allegiance to her, and professed his intention of seeking a gentler service. Again—the *escondig* or vindication contained the reply of some abused yet faithful lover to false accusations, giving occasion for the repetition of assurances and protestations. The celebrated canzone of Petrarch, beginning “*S’ i’ l’ diSSI mai,*” vindicating himself to Laura from the charge of inconstancy, is an imitation of this species of verse. The *Prezicansa*, which might properly be classed among the sirventes, was an exhortation to the performance of some worthy deed, or the suppression of wrong or vice. A kind of poem was also in vogue, distinguished by a commentary or explanation in prose attached to each verse, which more fully unfolded its meaning. It was undignified by an peculiar appellation, save that of *ses nom*, or without a name. Thus concludes the envoy of such a composition by Rainbaut:

"Vai, ses nom; e qui t demanda qui t'a fag, digas li d'En Rainbaut, &c."

"Go—Nameless; and whoever shall ask who has made thee, tell him of Sir Rainbaut, &c."

Another class of compositions, not divided into stanzas, was of a character essentially different from the lyric effusions before noticed. Yet the principal distinction consisted not in the difference of measure; for though emancipated from the trammels of the regular strophe, they were still subjected to those of rhyme, which were even rendered more embarrassing by the fastidious improvements of adventurous poets. The lines were generally rhymed in couplets, though sometimes a stated number terminated in similar sounds, varied as the length of the composition might require. Thus frequently the first ten, twenty, or thirty lines were ended by the letters *anz*; a similar number succeeding in *enz*; the two different terminations being alternated to the conclusion of the whole. Sometimes the whole number of lines in the poem ended in the same letters. Raynouard cites a piece of this kind containing eight hundred and forty. This custom, though it might show the richness of the language, was observed at the expense of all the beauties of poetical conception; the composition had an artificial air, and was pervaded by a disagreeable monotony.

Although the Troubadours excelled particularly in lyric verses, they were by no means destitute of poems of a narrative kind. Nevertheless, none of their efforts approached the dignity of the epic. Many of their fables exhibit evidence that the authors were not unacquainted with those of antiquity. Their novels, undoubtedly the earliest germs from which sprang the romances of succeeding years, were short tales in verse, recounting events either in love or war, and stimulating the listener to emulate the deeds of the hero thus commemorated.

They had also poetical epistles on various subjects, such as gratitude, friendship, and love, with others moral or instructive. Some of them—*breus*—were addressed to the lady of the poet's fancy, and display a grace, a tenderness, an impassioned earnestness, unrivalled by more elaborate efforts. Others are inscribed to friends, when the bard, who painted so vividly the pangs and the delights of love, employed his influence to warn his less experienced associate against its deceptive charms. The *ensenhamen* or poem of instruction embraced a design more extensive, and embodied precepts of education and rules of conduct applicable to the various orders of society. Sometimes the poets conveyed their lessons in the garb of amusing narrations; thus giving to the charms of fiction a permanent utility, and making the sweetness of poetry an acceptable vehicle for the knowledge they sought to impart,

"—quasi museo dulci contingere melle."

Their poems of this species were not however confined to the dispensation of instruction in the courtesies of life, or in the duties of morality and religion. They comprehended the various departments of art and science; and some treatises on such subjects are sufficiently amusing. A *tesaur* of Piere da Corbiac, after giving a summary of the sacred history of the world, treats of astronomy, physic, and numerous other sciences, which are severally despatched in a few lines. A celebrated Troubadour has left a poem of more than thrée thousand lines on the different kinds of birds of prey, in which their various habits, distinguishing qualities, and the methods of guarding against diseases peculiar to them, are detailed with ludicrous minuteness. The Troubadours had also prayers in the verse without stanzas, which differed from other poems of invocation, inasmuch as they were divested of the glowing imagery and elaborate ornament of lyric poetry, and simply expressed the emotions of religious humility or thankfulness.

We have curtailed as much as possible the foregoing imperfect observations, in the fear of becoming tiresome to our readers; yet if any should be incited by our brief notice to further research, and disposed to acquire a knowledge of the different forms of verse among the Troubadours, we would confidently recommend to their use the Italian work of which we have already spoken. The reader will find there a store of information inaccessible elsewhere within so small a compass; which will afford him valuable assistance in his study of the Provençal language and poetry. In conclusion, we hope that the knowledge of this literature, possessing as it does an interest apart from its intrinsic claims to attention, will not always be limited to a few. We owe to it an incalculable debt; not only for the gentle and elevating influence it has exerted upon our own poetry, in common with that of other nations, but for absolute enjoyment derived from the legends to which it has given rise. And though the age of chivalry has long passed away, and its brilliant and heart-stirring fictions are deemed but the idle creations of fancy, yet the records of the adventures, triumphs, and rewards of the heroes of romance, gorgeous as is the veil thrown over them by the enchantments of poetry, still awaken sympathy in our hearts, and render us less disposed to congratulate ourselves upon the cold superiority of an incredulous age.

ART. III.—*Commentaries on the Conflict of Laws, Foreign and Domestic, in regard to Contracts, Rights, and Remedies; and especially in regard to Marriages, Divorces, Wills, Successions, and Judgments.* By JOSEPH STORY, LL.D., Dane Professor of Law in Harvard University. Boston: 1834.

JUDGE STORY, whose distinguished ability and industry have contributed so much to the exalted reputation of the Supreme Court of the United States, finds time, in the intervals of judicial duty, to favour the profession and the public with treatises upon important subjects of legal science, as Dane Professor of Law in Harvard University. The title of this work indicates the interesting nature of its topics. The contrariety of laws existing among different nations, and the rules of comity, which give effect to the laws of one country in those of others, involve considerations of the highest interest and delicacy in international jurisprudence. In the United States of America, with a few exceptions provided for in the Constitution, the law is equally applicable to the several states of the Union, now amounting to twenty-four in number, and receiving a constant and rapid increase.

The subject of Judge Story's work is no less recommended by its novelty than its importance. There exists no treatise upon it in the English language. Until a comparatively recent period, neither the English lawyers nor judges seem to have had their attention drawn towards it, and their researches are less profound and satisfactory than their expositions of municipal law. Even among the foreign jurists of continental Europe, there exists no systematical treatise embracing all the general topics.

Such a work is not only necessary to be studied attentively by all professional men, and particularly by the liberal advocates of America, but most of its topics, from their universality and deeply interesting nature, deserve a more extended circulation among other classes of the community. It is for the last reason chiefly that this work requires to be noticed in a popular journal, and its principles diffused among those to whom a mere law book in general presents few attractions.

The work is dedicated to Chancellor Kent, to whom is ascribed the honour of having been the guide and instructor of the American youth, in this branch of international jurisprudence.

Before entering upon any examination of the various heads which a treatise upon the Conflict of Laws will naturally embrace, it is necessary to advert to a few general maxims or axioms, which constitute the basis upon which all reasonings on the subject must rest.

1. Every nation possesses an exclusive sovereignty and jurisdiction within its own territory. The laws of every state affect

and bind directly all property, whether real or personal, within its territory, and all persons who are resident within it, whether natural born subjects or aliens, and also all contracts made, and acts done within it. A state may therefore regulate the manner and circumstances under which property, whether real or personal, or in action within it, shall be held, transmitted, bequeathed, transferred, or enforced; the condition, capacity, and state of all persons within it; the validity of contracts and other acts done within it; the resulting rights and duties growing out of these contracts and acts; and the remedies and modes of administering justice in all cases calling for the interposition of its tribunals, to protect, vindicate, and secure the wholesome agency of its own laws within its own domains.

2. No state or nation can by its laws directly affect or bind property out of its own territory, or persons not resident therein, whether they are natural born subjects or others. This is a natural consequence of the first proposition.

3. From these two maxims or propositions there flows a third, and that is, that whatever force and obligation the laws of one country have in another, depends solely upon the laws and municipal regulations of the latter; that is to say, upon its own proper jurisprudence and polity, and upon its own express or tacit consent. A state may prohibit the operation of all foreign laws, and the right growing out of them, within its own territories. It may prohibit some foreign laws, and admit the operation of others. It may recognise, and modify, and qualify some foreign laws; it may enlarge or give universal effect to others. It may interdict the administration of some foreign laws; it may favour the introduction of others. When its code speaks positively on the subject, it must be obeyed by all persons who are within the reach of its sovereignty. When its customary, unwritten, or common law, speaks directly on the subject, it is equally to be obeyed, for it has an equal obligation with its positive code. When both are silent, then and then only can the question properly arise, what law is to govern in the absence of any clear declaration of the sovereign will. Is the rule to be promulgated by a legislative act of the sovereign power, or is it to be promulgated by courts of law, according to the analogies which are furnished in the municipal jurisprudence? This question does not admit of any universal answer, or rather it will be answered differently in different communities, according to the organization of the department of each particular government. Upon the continent of Europe, some of the principal states have silently suffered their courts to draw this portion of their jurisprudence from the analogies furnished by the civil law, or by their own customary or positive code. In England and America, the courts of justice have hitherto exercised the same authority in the most ample manner, and the legislatures

have, in no instance, it is believed, in either country, interfered to provide any positive regulations. The common law of both countries has been expanded to meet the exigencies of the times as they have arisen, and so far as the practice of nations, or *jus gentium privatum*, has been supposed to furnish any general principle, it has been followed out with a wise and manly liberality.

The real difficulty is, to ascertain what principles, in point of public convenience, ought to regulate the conduct of nations on this subject in regard to each other; and in what manner they can be best applied to the infinite variety of cases arising from the complicated concerns of human society in modern times. No nation can be justly required to yield up its own fundamental policy and institutions in favour of those of another nation; much less can any nation be required to sacrifice its own interest in favour of another, or to enforce doctrines which, in a moral or political view, are incompatible with its own safety or happiness, or conscientious regard to justice and duty.

The true foundation on which the administration of international law must rest is, that the rules which are to govern are those which arise from mutual interest and utility, from a sense of the inconveniencies which would result from a contrary doctrine, and from a sort of moral necessity to do justice, in order that justice may be done to us in return.

Mutual utility presupposes that the interest of all nations is consulted, and not that of one only. This demonstrates, that the doctrine owes its origin and authority to the voluntary adoption and consent of nations. It is therefore in the strictest sense a matter of the comity of nations, and not of absolute paramount obligation, superseding all discretion on the subject.

National Domicil. As perpetual reference is made to the domicil of the party, in the discussions upon the subjects hereafter to be examined, it is proper to ascertain the meaning of the term.

In a strict and legal sense, that is properly the domicil of a person, where he has his true, fixed, permanent home, and principal establishment, and to which, whenever he is absent, he has the intention of returning. Two things must concur to constitute domicil; first, residence—and secondly, intention of making it the home of the party. In many cases, actual residence is not indispensable to retain a domicil after it is once acquired. Thus, if a person go on a voyage to sea, or to a foreign country for health or pleasure, or business of a temporary nature, with an intention to return, such transitory residence does not constitute a new domicil, or amount to an abandonment of the old one. It is sometimes a matter of great difficulty to decide in what place a person has his domicil. The residence is often of a very equivocal nature, and the intention still more obscure. Both are sometimes to be gathered

from slight circumstances of mere presumption, and conflicting acts.

Some of the more important rules, which have been generally adopted as guides in cases of most familiar occurrence, are:

1. The place of birth of a person is considered as his domicil, if it is at the time of his birth the domicil of his parents.
2. The domicil of birth of minors continues until they have obtained a new domicil.
3. Minors are generally deemed incapable of changing their domicil during their minority: if the parents change their domicil, that of the infant children follows it; and if the father dies, his last domicil is that of the infant children.
4. A married woman follows the domicil of her husband.
5. A widow retains the domicil of her deceased husband until she obtains another.
6. *Prima facie*, the place where a person lives is taken to be his domicil, until other facts establish the contrary.
7. Every person of full age having a right to change his domicil, it follows, that if he removes to another place, with an intention to make it his permanent residence, *animo manendi*, it becomes instantaneously his place of domicil.
8. If a person has actually removed to another place, with an intention of remaining there for an indefinite time, and as a place of present domicil, it becomes his place of domicil, notwithstanding he may entertain a floating intention to return at some future period.
9. The place where a married man's family resides is generally to be deemed his domicil, but it may be controlled by circumstances; for if it is a place of temporary establishment for his family, or for transient objects, it will be otherwise.
10. If a married man has his family fixed in one place, and he does his business in another, the former is considered the place of his domicil.
11. If a married man has two places of residence at different times of the year, that will be esteemed his domicil which he himself selects or describes, or deems to be his home, or which appears to be the centre of his affairs, or where he votes or exercises the rights and duties of a citizen.
12. If a man is unmarried, that is generally deemed the place of his domicil, where he transacts his business, exercises his profession, or assumes municipal duties or privileges; but this rule is of course subject to some qualifications in its application.
13. Residence in a place, to produce a change of domicil, must be voluntary. If, therefore, it be by constraint, or involuntarily, as by banishment, arrest, or imprisonment, the antecedent domicil of the party remains.
14. Mere intention to acquire a new domicil, without the fact of removal, avails nothing, neither does the fact of removal without the intention.
15. Presumptions from circumstances will not prevail against positive facts, which fix or determine the domicil.
16. A domicil once acquired remains until a new one is acquired.
17. If a man has acquired a new domicil different from that of his birth, and he removes from it with an intention to resume his native

domicil, the latter is re-acquired, even while he is on his way, *in itinere*, for it reverts from the moment the other is given up.

Persons who are born in a country, are generally deemed citizens and subjects of that country. A reasonable qualification of this rule would seem to be, that it should not apply to the children of parents who were *in itinere* in the country, or abiding there for temporary purposes, or for health, or occasional business. It would be difficult, however, to assert that in the present state of public law, such a qualification is universally established.

Ambassadors and other foreign ministers retain their domicil in the country which they represent, and to which they belong. A different rule, generally, applies to consuls and other commercial agents, who are presumed to remain in a country for purposes of trade, and therefore acquire a domicil where they reside. Children born upon the sea, are deemed to belong and have their domicil in the country to which their parents belong. Domicil is of three sorts—domicil by birth, domicil by choice, and domicil by operation of law, as that of the wife, arising from marriage.

The operation and effect of foreign laws are to be considered in relation to persons, their capacity, state, and condition. These are, for the most part, held by foreign jurists to be of absolute obligation every where, when they have once attached upon the person by the law of his domicil. The exceptions and distinctions, however, which they are compelled to make, go far to limit if not to impair its force. Where a person has had different domicils, a domicil by birth, and a subsequent domicil by choice, which is to prevail? And is the law of the domicil of origin, or that of the domicil of the contract, to govern?

In England it has been held, in a case where money had been advanced for a minor during his stay in Scotland, who seems to have had his general domicil in England, that the question whether in an English court a recovery could be had for the money so advanced, depended upon the law of Scotland; for the general rule was, that the law of the place where the contract is made must govern the contract.

In respect to contracts of marriage, the English decisions have established the rule that a foreign marriage is held to be valid or invalid, according to the law of the place where celebrated. But where the laws of England create a personal incapacity to contract marriage, that incapacity will in some cases be held to have a universal operation, so as to make a subsequent marriage in a foreign country a mere nullity, when litigated in a British court. Indeed, the general principle adopted in England in regard to cases of this sort, appears to be, that the *lex loci contractus* shall be permitted to prevail, unless where it would work injustice, or be *contra bonos mores*, or be repugnant to the settled principles and policy of its own laws. By the law of Scotland for instance, illegitimate

children become, by the subsequent marriage of the parents, legitimate, and may inherit as heirs; but such persons cannot inherit landed property in England. Yet a person illegitimate by the law of his domicil of birth, will be held illegitimate in England. By the law of England, marriage is an indissoluble contract except by act of parliament, and it is held that a marriage between British subjects in an English domicil, cannot be dissolved by a divorce obtained under the laws of a foreign country, to which the parties may temporarily remove. Thus an English marriage cannot be dissolved under such circumstances by a Scotch divorce, regularly obtained according to the law of England, by persons going thither for that purpose, who have their domicil in England.

In the American courts, the doctrine as to capacity or incapacity to marry, has been held to depend generally on the law of the place where the marriage is celebrated, and not on the place of domicil of the parties. An exception would doubtless be applied to cases of incest and polygamy. But in affirmance of the general principle it has been held, that if a person divorced from his first wife, is rendered by the law of the place of the divorce incapable of contracting a second marriage, still if he contracts marriage in another state, where the disability does not exist, the marriage will be held valid; and a marriage celebrated in a foreign state, to evade the law of the place of domicil, is on the same account held valid.

At this day in France, the age of majority of males is twenty-five, and of females twenty-one; and France has ventured upon the bold doctrine that the marriages of Frenchmen in foreign countries shall not be deemed valid, if the parties are not by its own law competent to contract, from their being under the parental power. There can be little doubt that foreign countries, where such marriages are celebrated, will follow their own law, and disregard that of France.

The rules which seem best established in the jurisprudence of England and America, are 1. The capacity, state, and condition of persons, according to the law of their domicil, will generally be regarded as to acts done, rights acquired, and contracts made in the place of their domicil. 2. As to acts done, and rights acquired, and contracts made in other countries, the law of the country where they are done, acquired, or made, will generally govern in respect to the capacity, state, and condition of persons. 3. In regard to questions of minority or majority, competency to marry, incapacities incident to coverture, guardianship, emancipation, and other personal qualities and disabilities, the law of domicil is not generally to govern, but the law of the place where the contract is made, or the act done. 4. Personal disqualifications, not arising from the law of nature, but from the principles of the customary or positive law of a foreign country, and especially such as are of

a personal nature, are not generally regarded in other countries where the like disqualifications do not exist. 5. In questions of legitimacy, the *lex loci* of the marriage will generally govern as to the issue subsequently born. 6. No nation will suffer its own subjects to evade the operation of its own fundamental policy or laws, or to commit frauds in violation of them by acts or contracts made in a foreign country; and it will judge for itself how far it will adopt or reject such acts or contracts.

Let us next examine into the effects of marriage upon the property of the husband and wife, and their rights over it. Where there has been an express contract on the marriage, that will generally be admitted to govern all the property of the parties, not only in the matrimonial domicile, but in every other place, under the same limitations and restrictions as apply to other cases of contract. Where there is no express contract, and no change of domicile, perhaps the most simple and satisfactory exposition of the subject, or at least that which best harmonizes with the analogies of the common law, is, that the law of the place of celebration should govern the rights of the parties in respect to all personal estate, moveable, wherever acquired and wherever it may be situate; but real estate (immoveable) should be left to be adjudged by the *lex loci sitæ*, as not within the reach of any extra-territorial law. Where there has been a change of domicile, 1. As to property acquired before the removal. 2. In relation to property acquired afterwards in the new domicile—various opinions prevail among foreign jurists.

The following propositions may be laid down as those which, though not universally established or recognised in America, have much of domestic authority for their support, and none in opposition to them.

1. Where there is a marriage between parties in a foreign country, and an express contract respecting their rights and property, present and future, that, as a matter of contract, will be held equally valid every where, unless under the circumstances it stands prohibited by the laws of the country where it is sought to be enforced. It will act directly on moveable property every where; but as to immoveable property, in a foreign territory, it will at most confer only a right of action, to be enforced according to the jurisprudence *rei sitæ*. 2. Where such an express contract applies in terms or intent only to present property, and there is a change of domicile, the law of the actual domicile will govern the rights of the parties as to all future acquisitions. 3. Where there is no express contract, the law of the matrimonial domicile will govern, as to all the rights of the parties to their present property in that place, and as to all personal property every where, upon the principle that moveables have no *situs*, or rather that they accompany the person every where. As to immoveable property, the law *rei*

sitæ will prevail. 4. Where there is no change of domicile, the same rule will apply to future as to present acquisitions. 5. But where there is a change of domicile, the law of the actual domicile, and not of the matrimonial domicile, will govern as to all future acquisitions of moveable property; and as to all immoveable property, the law *rei sitæ*. 6. And here also, as in cases of express contract, the exception is to be understood, that the law of the place where the rights are sought to be enforced, do not prohibit such arrangements; for if they do, as every nation has a right to prescribe rules for the government of all persons and property within its own territorial limits, in a case of conflict, its own law is to prevail. 7. Although, in a general sense, the law of the matrimonial domicile is to govern in relation to the incidents and effects of marriage, yet this doctrine must be received with many qualifications and exceptions. No other nation will recognise such incidents or effects, when they are incompatible with its own policy, or injurious to its own interest. A marriage in France or Prussia may be dissolved for incompatibility of temper; but no divorce would be granted from such a marriage, for such a cause, in England, Scotland, or America.

The principle maintained by foreign jurists is, that with reference to personal rights and rights of property, the actual or intended domicile is to be deemed the matrimonial domicile; or the law of the place where, at the time of marriage, the parties intend to fix their domicile, is to govern all the rights resulting from the marriage. The place of the marriage contract is not so much to be deemed the place where the nuptial contract is made, as that in which the parties contracting matrimony intend to live.

Divorce. It is deemed by all modern nations to be within the competency of legislation to authorize, directly or indirectly, a dissolution of the matrimonial state, and in some form and for some causes, to release the parties from all future obligation. And there is no doubt, that a divorce regularly obtained, according to the jurisprudence of the country where the marriage was celebrated, and where the parties are domiciled, will be held a complete dissolution of the matrimonial contract in every other country. The real difficulty is, to lay down appropriate principles to govern cases where the marriage is celebrated in one place, and the parties are domiciled in another; where there is a change of domicile by one party without a similar change by the other; where, by the law of the place of celebration, the marriage is indissoluble or dissolved only under peculiar circumstances, and by the law of another it is dissoluble for various causes, and even at the pleasure of the parties.

In Scotland it is decided, 1. That a marriage between English subjects in England, and indissoluble there, may be lawfully dissolved by the proper Scottish court, for a cause of divorce good

by the law of Scotland, when the parties are within the process and jurisdiction of the court. 2. That a Scotch marriage by persons domiciled at the time in England, is dissoluble in like manner by the proper Scottish court. 3. That in case of a marriage in England, it will make no difference that the parties are Scottish persons, domiciled in Scotland, or are afterwards *bona fide*, and permanently domiciled there. The mere fact of the marriage having been celebrated in England, whether between English or Scottish parties, is not, *per se*, a defence against an action of divorce, for adultery committed there.

Upon the continent of Europe there has long existed a known distinction between the Catholics and Protestants, on the subject of divorce. The former, according to the doctrine of the Romish church, considers marriage as a sacrament, and in its effects to be governed by the Divine law, and according to their interpretation of that law, it is indissoluble. The Protestants, on the contrary, have not always considered it as a sacrament, but many, if not most of them, have considered it mainly as a civil institution, subject to the legislative authority, as matter of public police and regulation.

Foreign Contracts. Generally speaking, the validity of a contract is to be decided by the law of the place where it is made. If valid there, it is, by the general law of nations, *jine gentium*, held valid every where, by tacit or implied consent. 2. The same rule applies *vice versa* to the invalidity of contracts; if void or illegal by the law of the place of the contract, they are generally held void and illegal every where. 3. An exception to the rule as to the universal validity of contracts, respects those which are in evasion or fraud of the laws of a country, or the rights or duties of its subjects; contracts against good morals, or religion, or public rights; and contracts opposed to the national policy or institutions. It is to be regretted, that in the jurisprudence of the common law it is an established principle that no regard will be paid to the revenue laws of another country, and that the contracts of its own subjects, to evade or defraud the just rights of other nations, will be enforced in its own tribunals.

In the interpretation of contracts, the law and custom of the place of the contract is to govern.

When the contract is either expressly or tacitly to be performed in any other place than that where the contract is made, there the general rule is, in conformity to the presumed intention of the parties, that the contract as to its validity, nature, obligation, and interpretation, is to be governed by the law of the place of performance. In general, it may be said, that if no place of performance is stated, or the contract may indifferently be performed any where, it ought to be referred to the *lex loci contractus*. If the transactions between two merchants residing in different countries

are all on one side, as in case of sales and advances by a commission merchant in his own country for his principal abroad, then the contracts may well be referred to the country of the commission merchant, and the balance be deemed due according to its laws. The debt is due where the advances are made, and payment may be insisted on there. Upon principle, it may perhaps be found most easy to decide, that each transaction is to be governed by the law of the place where it originated; advances by the law of the place where advanced, and sales of goods by the law of the place where received. The importance of the true rule is peculiarly felt in all cases of interest to be paid on balances.

A merchant in America orders goods to be purchased for him in England. In such a case, the law of England ought to govern, for there the final assent is given by the person who receives and executes the order of his correspondent.

If a like contract of purchase is made by an agent without orders, and the correspondent ratifies it, it is to be deemed a contract in the country of the purchase, because the ratification has reference back to the time and place of the purchase. A like rule applies, if a merchant in one country agrees to accept a bill drawn on him by a person in another country. It is deemed a contract in the place where the acceptance is to be made.

A merchant in one country sends a letter to a merchant in another, requesting him to purchase goods, and to draw on him for the amount of the purchase money by bills. When such advances are made, the undertaking is to replace the money at the same place, and therefore the party advancing will be entitled to interest on the advances, according to the law of the place of the advances. So, if advances are made for a foreign merchant, at his request or security given for a debt in like manner, the party paying or advancing is entitled to repayment in the place of the advances or security given, unless some other place is stipulated. So, when a loan is made in one state, and security is to be given therefor in another state, by way of mortgage, the law of the place where the loan is made is to govern. But if the mortgage is actually to be executed in a foreign country, and the money to be paid there, the loan will be deemed to be there completely made, although the money may have been actually advanced elsewhere.

Official bonds with sureties to the government of the United States, are to be treated as delivered, and to be performed at the seat of government, upon the ground that the principal is bound to account there, and the parties look to that as the place of performance by the law of which they are to be governed.

As to interest, the general rule is, that interest is to be paid on contracts, according to the law of the place where they are to be performed, in all cases where interest is expressly or impliedly to be paid. Loans made in a place bear the interest of that place,

unless payable elsewhere; and on this account, a contract for a loan in a foreign country may stipulate for interest higher than that allowed at home. If the contract for interest be illegal there, it will be illegal every where. But if it be legal where it is made, it will be of universal obligation even in places where a lower interest is prescribed by law. Analogous to the rules respecting interest, would seem to be the rule of damages, in cases where the contract is not strictly pecuniary, or where the right arises *ex delicto*. Thus, if a ship be illegally converted in the East Indies, the interest there will be allowed by way of damages. So the damages on a bill of exchange will be according to the *lex loci contractus* of the particular party.

Suppose a negotiable bill of exchange is drawn in Massachusetts on England, and is endorsed in New York, and again by the first endorser in Pennsylvania, and by the second in Maryland, and the bill is dishonoured; what damages will the holder be entitled to? The law as to damages in these states is different, (in Massachusetts 10 per cent., in New York and Pennsylvania 20 per cent., and in Maryland 15 per cent.) What rule then is to govern? The answer is, that in each case the *lex loci contractus*. The drawer is liable according to the law of the place where the bill was drawn, and the successive endorsers, according to the law of the place of their endorsement, every endorsement being treated as a new and substantive contract. The consequence is, that the endorser may render himself liable upon a dishonour of the bill for a much higher rate of damages than he can recover from the drawer. But this results from his own voluntary contract, and not from any collision arising from the nature of the original contract.

A defence or discharge, good by the law of the place where the contract is made or is to be performed, is to be held of equal validity in every other place where the question may be litigated. In England and America the same rule has been adopted, and acted on with a most liberal justice. Thus infancy, if a good defence by the *lex loci contractus*, will be a valid defence every where. A tender and refusal, good by the same law, either as a full discharge or as a present fulfilment of the contract, will be respected every where. Paper in paper money bills, or in other things, if good, by the same laws will be deemed a sufficient payment every where. And on the other hand, where a payment by negotiable bills or notes is by the *lex loci* held to be conditional payment only, it will be so held even in states where such payments under the domestic law would be held absolute. So, if by the law of the place of a contract, (even though negotiable,) equitable defences are allowed in favour of the maker, any subsequent endorsement will not change his right in regard to the holder; the latter must take it *cum onere*. By our law, the acceptance

of a bill of exchange is absolute and binding in every event; yet if, by that of the foreign country it is merely a qualified contract, it is governed by that law in all its consequences. Acceptances are deemed contracts in the country where they are made, and the payments are regulated by the law thereof.

In the United States, it is not doubted that the state may pass insolvent laws, which shall discharge the person, or operate in the nature of a *cessio bonorum*, provided such laws do not discharge or intermeddle with the obligation of contracts made antecedently to their passage. But the states may constitutionally pass such laws operating upon future contracts. Their influence is confined to contracts made within the state, and between citizens of the same state. If, however, a creditor voluntarily makes himself a party to the proceedings, under an insolvent law of a state which discharges the contract, and accepts a dividend declared under such law, he will be bound by his own act. Of course, the constitutional prohibition does not apply to insolvent or other laws passed before the adoption of the constitution, operating upon contracts and rights of property vested and *in esse* before that time.

It is a universal principle, that personal property has no locality; that it is subject to that law which governs the person of the owner, both with respect to the disposition of it and to the transmission of it, either by succession or by the act of the party. When we speak of moveables as following the person of the owner, and as governed by the law of his domicil, we of course except those moveables which become annexed to immoveables, either by incorporation or as incidents, and then they take the character of the latter.

The general convenience and freedom of commerce require the enlargement of the rule, so as to render valid the sale of personal property actually situate in a foreign country, and made according to the forms prescribed by its laws.

It is the settled law of England, that an assignment under the bankrupt law of a foreign country, passes all the personal property of the bankrupt locally situate or owing in England. That an attachment of such property by an English creditor after such bankruptcy, with or without notice to him, is invalid to overreach the assignment. That in England, the same doctrine holds under assignments by his own bankrupt law, as to personal property and debts of the bankrupt in foreign countries. That upon principle, all attachments made by foreign creditors, after such assignment in a foreign country, ought to be held invalid. That a British creditor will not be permitted to hold the property acquired by a judgment under any attachment made in a foreign country after such assignment. That a foreign creditor, not subjected to British laws, will be permitted to retain any such property acquired under any such judgment, if the local laws (however incorrectly upon

principle) confer on him an absolute title. The weight of American authority is the other way, as to assignments by operation of law. The assignees are considered in the same situation as the bankrupt himself in regard to foreign debts.

The general principle is, that the laws of the place where real or immoveable property is situate, exclusively govern in respect to the rights of the parties, the modes of transfer, and the solemnities which should accompany them. The title, therefore, to real property can be acquired, passed, and lost only according to the *lex rei sitæ*.

Wills and Testaments. It is a well settled principle in the English law, that a will of personal property, regularly made according to the law of the testator's domicile, is sufficient to pass such property in every other country in which it is situate. The same doctrine was firmly established in America, and has the general consent of foreign jurists.

As to wills of immoveable property, the doctrine of the common law is, that the law of the place where the property is locally situate, is to govern as to the capacity of the testator, the extent of his power to dispose of the property, and the forms and solemnities to give the will its due attestation and effect. Among foreign jurists, there is great weight of authority in favour of the general principle.

As to the right of succession in cases of intestacy, the universal principle now recognised by the common law, and supported by the generality of foreign jurists, is, that the succession to personal property is governed exclusively by the law of the actual domicile of the intestate at the time of his death.

The descent and heirship of real estate is exclusively governed by the law of the country within which it is actually situate.

The rights and powers of guardians are considered as strictly local, and not as entitling them to exercise any authority over the person or personal property of their wards in other states.

It is a general doctrine of the common law, recognised both in England and America, that no suit can be brought by or against any foreign executor or administrator in the courts of the country in virtue of his foreign letters testamentary or of administration; but new letters of administration must be taken out, and new security given, according to the general rules of law prescribed in the country where the suit is brought. The right of the foreign executor or administrator to take out such new administration is usually admitted as a matter of course, unless some special reasons intervene, and the new administration is treated as merely ancillary or auxiliary to the original foreign administration, so far as regards the collection of the effects and the proper distribution of them. Still, however, the new administration is made subservient to the rights of creditors, legatees, and distributees resident

within the country, and the residuum is transmissible to the foreign country only when the final account has been settled in the proper domestic tribunal, upon the equitable principles adopted in its laws.

Where the estate is insolvent, are the funds found here to be distributed among creditors here exclusively, or *pro rata* with the foreign creditors?

The established rule now is, that in regard to creditors, the administration of the assets of deceased persons is to be governed altogether by the law of the country where the executor or administrator acts, and from which he derives his authority to collect them, and not by that of the domicile of the deceased.

A voluntary payment to a foreign executor or administrator, is a good discharge of the debt.

In Pennsylvania, contrary to these doctrines, it is held, that letters of administration granted in a sister state, are sufficient to maintain a suit in Pennsylvania.

It is universally admitted and established, that the forms of remedies, and the modes of proceeding, and the execution of judgments, are to be regulated solely and exclusively by the laws of the place where the action is instituted, or as the civilians uniformly express it, according to the *lex fori*.

As to foreign judgments, if the court had a lawful jurisdiction over the cause and the parties; if the matter in controversy is land or other immoveable property; or if it be a proceeding *in rem* as to moveable property, within the jurisdiction of the court pronouncing the judgment, the judgment of the *forum rei sitæ* is held absolutely conclusive. In England, such judgments are held conclusive as to all points and facts which they professedly or incidentally decide. And in some of the American states the same doctrine prevails; while in other American states, the judgments are held conclusive only *in rem*, and may be controverted as to all the incidental grounds and facts on which they profess to be founded. As to judgments *in personam*, which are sought to be enforced by a suit in a foreign tribunal, the present inclination of the English courts of common law is, to sustain the conclusiveness of such judgments. The general doctrine maintained in American courts in relation to foreign judgments certainly is, that they are *prima facie* evidence, but that they are impeachable. But how far, and to what extent, this doctrine is to be carried, does not seem to be definitely settled. It has been declared that the jurisdiction of the court may be inquired into, and its power over the parties and things, and that the judgment may be impeached for fraud.

In the United States, an act of Congress, in pursuance of the Constitution, declares, that judgments of state courts shall have the same faith and credit in other states, as they have in the state where they are rendered. They are therefore put upon the same footing as domestic judgments. But this does not prevent an

inquiry into the jurisdiction of the court in which the original judgment was rendered to pronounce the judgment, or into the right of the state to exercise authority over the parties on the subject matter.

The common law considers crimes as altogether local, and cognizable, and punishable, exclusively in the country where they are committed. No other nation, therefore, has any right to punish them, or is under any obligation to take notice of, or to enforce any judgments rendered in such cases by the tribunals having authority to hold jurisdiction within the territory where they are committed.

There is another point which has been a good deal discussed of late, and that is, whether a nation is bound to surrender up fugitives from justice who escape into its territories, and seek there an asylum from punishment. The practice has prevailed as a matter of comity, and sometimes of treaty, between some neighbouring states, and sometimes also between distant states having much intercourse with each other. It has been treated by some distinguished jurists as a strict right, and as constituting a part of the law and usage of nations, that offenders charged with a high crime, who have fled from the country in which the crime had been committed, could be delivered up and sent back for trial by the sovereign of the country where they are found. Of this opinion are Vattel, Grotius, Heineccius, Burlamaqui, and Rutherford. There is no inconsiderable weight of common law authority on the same side, and Chancellor Kent has adopted the same doctrine. On the other hand are Puffendorf, Martius, Lord Coke, and a decision of Chief Justice Tilghman of the Supreme Court of Pennsylvania, delivered in 1823. Judge Tilghman states, that in but one instance, that of Robins, was a fugitive from Europe surrendered, whose case was provided for in the British Treaty. In two instances where a demand was made, it was refused; one was by the Governor of Pennsylvania, and the other by the Executive of the United States. If the President of the United States should cause a person to be imprisoned for the purpose of delivering him to a foreign power, the judges might issue a habeas corpus, and inquire into the legality of the proceeding. The question would be, whether, under the existing constitution and laws, the President has a right to act for the nation, or whether he must wait until Congress think proper to legislate on the subject. The opinion of the Executive hitherto has been, that it has no power to act. In that case the arrest was made at the request of a private person. *Quere*—Whether the Executive of the United States, or of Pennsylvania, has a right to apply to a magistrate to arrest a fugitive criminal.

The established doctrine now is, that no court takes judicial notice of the laws of a foreign country, but they must be proved

as facts. Generally speaking, authenticated copies of written laws, or other public instruments of a foreign government, are expected to be produced. The usual modes of authenticating foreign laws, as of foreign judgments, are by an exemplification of a copy under the great seal of a state, or by a copy proved to be a true copy, or by the certificate of an officer authorized by law, which certificate must itself be duly authenticated.

Foreign unwritten laws, customs, and usages, may be proved, and indeed must ordinarily be proved by parol evidence. The usual course is, to make such proof by the testimony of competent witnesses, instructed in the law, under oath; sometimes, however, certificates of persons in high authority have been allowed as evidence. The public seal of a foreign sovereign proves itself; the seal of a foreign court (except courts of admiralty) must be established by competent testimony.

The mode by which the laws, records, and judgments of the different states of the Union are to be verified, has been prescribed by Congress under the Constitution.

The author thus concludes his work:

"It will occur to the learned reader, upon a general survey of the subject, that many questions are still left in a distressing state of uncertainty, as to the true principles which ought to regulate and decide them. Different nations entertain different doctrines and different usages in regard to them. The jurists of different countries hold opinions opposite to each other, as to some of the fundamental principles which ought to have a universal operation; and the jurists of the same nation are sometimes as ill agreed among themselves. Still, however, with all these deductions, it is manifest, that many approximations have been already made towards the establishment of a general system of international jurisprudence, which shall elevate the policy, subserve the interests, and promote the common convenience of all nations. We may thus indulge the hope, that at no distant period, the comity of nations will be but another name for the justice of nations; and that the noble boast of the great Roman orator may be in some measure realized. *Non erit alia lex Romæ, alia Athenis, alia nunc, alia posthæ; sed et omnes gentes et omni tempore una lex et sempiterna et immortalis continebit.*"

In a work involving such a multiplicity of subjects, it has been thought more useful to state the result upon the principal points, than to enter into any reasoning or discussion upon disputed matters. This abstract will give an idea of the various and important topics treated of, but will not supersede the necessity of resorting to the work itself of Judge Story, in which all the necessary explanations are given to render the subjects perfectly intelligible. A perusal of the work, too, will show the great number of authors whose books have been examined, and the endeavours to reconcile conflicting opinions, when it was possible to do so. The work on the Conflict of Laws will have a decided influence in realizing Cicero's wish, and in bringing about a consummation so much desired—a uniformity of laws among the different nations of the world.

ART. IV.—*A Sermon preached in St. Michael's Church, Charleston, February 13th, 1833, before the Convention of the Protestant Episcopal Church of the Diocese of South Carolina, by the Rev. J. ADAMS, D. D., President of the College of Charleston, South Carolina, and (ex officio) Horry Professor of Moral and Political Philosophy. Published at the request of the Bishop and Clergy of the Protestant Episcopal Church of South Carolina.*

THE author of this sermon is well known throughout South Carolina, as an accomplished scholar, a learned divine, and a gentleman of exemplary purity of life. We have occasionally heard him lecture on moral philosophy—and never without pleasure. His extensive literary attainments, his clear and simple style, his mild demeanour, and the respect which his character commands, qualify him peculiarly for the instruction of youth.

We have heard him also with pleasure in the pulpit. His discourses are generally argumentative, and abound with manly sentiments and moral reflections. But in the sermon now before us, Mr. Adams has aimed a blow at the Constitution of the United States. With a rash hand, he has endeavoured to overturn one of the main pillars of our liberty. He has invaded, and attempted to destroy freedom of conscience, and on its ruins to erect intolerance and odious discriminations for religion's sake.

We are aware that Mr. Adams would unhesitatingly deny that he had any such intention. But such is the inevitable tendency of the doctrines he advocates.

Before we proceed any further we would remark, that we are humble believers in the truth of the Christian Scriptures. The argument of Mr. Hume against the belief of miracles is not, in our opinion, entitled to much consideration. It is more probable, he contends, that human testimony is false, or that men are mistaken, than that the miracles should be true.

We readily admit that men are often mistaken, and that they sometimes lie "for the lie's sake," as Lord Bacon truly, though coarsely expresses it. We should therefore examine their testimony in favour of miracles with the most scrupulous care, and, if there be a reasonable room for doubt, reject it. But we must not shut our eyes against the light. We must not reject as wholly insufficient that evidence which would satisfy us in the most important transactions of life. In fact, human testimony is the only kind of evidence we can have in the case. Let that which appears miraculous occur every day, and it will soon cease to be considered a miracle; it will be regarded as the natural operation of fixed laws. No one will deny, we presume, that God *can* perform a miracle—that he *can*, if he think fit, suspend the ordinary operation of natural laws; for to deny this, is to limit his power. If a

miracle occur then, and we ourselves do not witness it, we can only learn it from evidence.

Now, what evidence have we that the miracles mentioned in the New Testament were performed?

1. It is proved by the testimony of eye-witnesses; of persons who actually saw them performed, and who had no interest in deceiving us.

2. These witnesses suffered persecution, and even laid down their lives in support of what they said.

3. The miracles were not denied for centuries after by the opponents of Christianity, who, on the contrary, admitted that they were performed, but attributed them to the power of evil spirits.

We consider this evidence as strong as the nature of the case will admit. But if a shadow of doubt as to the truth of the Christian Scriptures were left by the external evidence, that is removed by the internal evidence of their Divine authority. The wonderful and exact fulfilment of the prophecies, cannot otherwise be accounted for. That in pretending to foretell events, an individual might occasionally hit upon a truth, we have no doubt. But that so many predictions, such precise prophecies, should be so exactly fulfilled, can only be accounted for on the supposition of a Divine inspiration. Mr. Channing delivered, some years ago in Boston, an admirable essay on the internal evidence of Christianity. It is written in a glowing style, and with much force of argument. In it he urges, that if there were no other proof of the truth of Christianity, this would be sufficient, viz. the fact that twelve ignorant, uneducated men, without any extraordinary advantages of mind, had prescribed a code of morals infinitely superior to any that the wisest and most learned men of antiquity framed: a code of morals not only adapted to the then situation of the world, but to all the various changes and modifications that have since taken place—and which, the more man improves in civilization, seems better and better adapted to the high purposes for which it was framed. This argument is entitled to greater consideration, from the reflection that time, which is thus continually developing the excellence of Christianity, exhibits defects in all *human* institutions.

We will not fatigue our readers by dwelling longer on arguments in favour of Christianity, arguments with which they are sufficiently familiar, and to which we have nothing new to add. Our object was rather to express our belief, than to "give a reason for the faith that is in us."

While, however, we are believers and followers of Christ, we must declare ourselves decidedly opposed to any connexion between church and state. Such a connexion will necessarily create a marked distinction between those who believe, and those who do *not* believe the religion upheld and protected by law. Hence a discrimination in civil rights will gradually arise. One set, or

rather one sect of men, will be protected and rewarded, while another will be proscribed and persecuted. Freedom of conscience will be invaded. With freedom of opinion freedom of speech must fall—and liberty will soon expire.

This is not a picture drawn by an over-excited imagination; it is the truth, as portrayed by the pencil of history. Yet Mr. Adams has the boldness to hazard the following assertion,—

“If the Roman emperors had been satisfied to receive the new religion *without distinction of sects, as the broad ground of all the great institutions of the empire*, it is impossible to show or to believe, that such a measure would not have been both *wise and salutary*. The misfortune was, that there soon came to be a legal preference of one form of Christianity over all others.” Page 5.

Now, Christianity may be considered but as one of the larger sects into which mankind is divided. Any argument that would prove the wisdom of making one particular form of religion the ground of all the great institutions of an empire, would prove the wisdom of making one form of Christianity the ground of those institutions. Let us take a case, and apply the argument.

The Roman Catholic religion is deemed by many a system of idolatry, of bigotry, and of superstition. We have heard several intelligent and well educated persons contend that it is opposed to civil liberty—that its fundamental doctrines interfere with the right of free judgment—impose an unnatural and tyrannical restraint on the mind, and inculcate a slavish submission to persons in authority. We have heard the same individuals contend that Unitarians are not, in the strict sense of the term, Christians—because, say they, the Unitarians deny the divine nature of Jesus, which is of the essence of Christianity; teach the most shocking and blasphemous doctrine on the nature of the Godhead; and are gradually introducing a culpable carelessness about religious concerns, infidelity, and even atheism.

A person entertaining these views, may be supposed to argue in the following manner:—

“The Unitarian sect, by introducing carelessness concerning the duties of religion, are gradually, though perhaps unconsciously, undermining the only sure foundation of public morals. Their influence on society must therefore be baleful. So too with the Roman Catholics. By dispensations and indulgences, by absolution and an absurd belief in purgatory, their religion gives a sanction to immorality and licentiousness, and destroys the sense of moral responsibility. Thus do extremes meet. The superstition of the Catholic is not less pernicious than the irreligion of the Unitarian. In vain do we look to monkish records for the mild spirit and beneficial effects of Christianity. For them we must look to **THE REFORMATION**. **THE REFORMATION** has done much for individuals. It has inculcated charity, peace, and good-will among men. It has destroyed superstition, introduced purity of morals, and taught us that the path of virtue is the road to God.—It has done much for nations. It has taught them to do good to one another. It has taught them that the prosperity and happiness of neighbouring nations, is a source of mutual comfort and enjoyment. It has diminished the horrors of war, by softening the lot of captives, abolishing the odious practices of the dark and gothic ages, and in a word, by teaching that the rights of humanity should never be disregarded. Why should not then

Christianity, as established at the reformation, be incorporated in our laws? Why should not a religion so pure, so beneficial, be connected with, and protected by our laws and constitutions?"

How would Mr. Adams answer this, if it were urged by one expressing the opinions of a large majority of the people? He is precluded from arguing that civil government can not rightly interfere with religion. We have heard him already assert that it would have been both "*wise and salutary*" to connect one form of religion with all the great institutions of government. If "one form of religion," why not "one form of Christianity?"—especially when that is the only true form.

There is, and there can be, no middle ground between perfect liberty and tyranny on this subject. Give government the right to interfere, to pass laws for the protection of Christianity, and it will necessarily have to determine what *is* Christianity, and what laws are necessary for the *protection* of Christianity. In other words, it will have an unlimited power on the subject.

In page nineteenth, the author, addressing himself to this point, says:—

"No power less efficacious than Christianity, can permanently maintain the public tranquillity of the country, and the authority of law. We must be a Christian nation, if we wish to continue a free nation."

And, that he may not be misunderstood, he adds in a note:—

"With a view of illustrating this subject, by uniting high authority with great clearness of argument, the author subjoins a part of the opinion of the late Chief Justice Parsons, of Massachusetts, in the case of *Barnes vs. First Parish in Falmouth*, contained 6 Mass. Reports, p. 404, &c. In this case, the Court had occasion to vindicate Art. 3. Part I. of the Constitution of that State (p. 29.) So far as the Massachusetts' Constitution and the argument vindicating it make a discrimination between *Christian* denominations, they do not meet the concurrence of the author, but he considers the main positions of the Chief Justice incontrovertible, and his course of reasoning highly instructive and convincing."

The reasoning of the late Chief Justice Parsons of Massachusetts, is to the following effect: There are moral duties flowing from the disposition of the heart, and not subject to the control of human legislation. Secret offences cannot be prevented unless civil government derive assistance from some superior power, whose laws extend to the temper and disposition of the human heart. Legislators have, therefore, in all ages, had recourse to religion. It is not against freedom of conscience to establish a particular form of religion by law, and to compel persons to pay a tax for its support, although they may think the established religion false. It is simply a call on the citizen for money for the public use, and is in no sense a matter of conscience. The public has a right to levy taxes, and make appropriations; and no individual is at liberty to withhold the tax, because he dislikes the appropriation. Otherwise, there will soon be an end of all government. The

object of a public religious establishment is, to teach and enforce a system of correct morals—and to secure obedience to important laws by a Divine sanction.

Now, "the main positions of the Chief Justice," which Mr. Adams pronounces "incontrovertible," and "the course of reasoning" which he is pleased to declare "highly instructive and convincing," urge the necessity for government to call in religion to its aid, and the right of government to establish and protect by law, and uphold by taxes, any religion it may deem proper. Why not Unitarianism then?—or Catholicism?—or Protestantism?—if the majority think fit. It is true, that Mr. Adams censures discriminations between *Christian* denominations; but he urges no reason for this censure—and we venture to assert that he can urge none—which will not apply with equal force to all religious discriminations. Admit his principle—which, veil it as he may, is discrimination between religious denominations—and a discrimination in favour of a particular sect will follow, as a matter of course. Admit the giant's foot, and his body will soon appear.

The truth is, the main positions of Chief Justice Parsons are utterly indefensible, and his argument is worse than futile. We would not detract a tithe of a hair from the just reputation of this distinguished jurist. He was indeed a man of transcendental abilities—a shining light and an ornament to the bench and to his country, fit to be ranked with the Kents and Marshalls. We venerate his memory—but we cannot venerate his errors. Upon the principles advocated by him, in the opinion cited with high commendation by the author of the sermon now before us, it would be impossible to prove *any* tax improper.—We pass by this, however, and confine ourselves to the point immediately before us.

Civil government is intended for the regulation of social man—for the promotion and security of human happiness here on earth. It is intended for this world—not the next. It should protect us in the enjoyment of our personal rights and property. It should not interfere with our opinions and faith. Its business is with our temporal or present interests, not with our future or eternal welfare. As long as a citizen discharges well his duty to society, he is a good citizen. Civil government should regulate the duty of man towards man. It should not interfere with the relations between man and his Creator. Offences against society should be punished by society. Offences against God should be left to God. It argues great folly, as well as impiety, to suppose the Deity so weak as to require aid from society, or so negligent as to suffer offenders to escape with impunity. *Deorum injuriæ, diis curiæ*, was the wise and humble maxim of Pagans. We should not be less wise or humble—nor should we arrogantly usurp the province of the Almighty.

What is religion? The term is derived from *re* and *ligo*—to

bind back—to tie again. It is the tie or bond that unites man to the Deity. It consists in the service of God. HE alone can judge who worships in sincerity and truth.

Opinion is involuntary. A man cannot believe as he wishes. I am writing with a candle before me. Can I believe that there is no such thing before me? I look at my hat; it is black. Can I, if I wish to do so, believe it white? I cannot. I am forced to believe the evidence of my senses. My very nature, my organization, my structure, compels me to do so.

I am a Christian. I have examined the evidence, internal and external, for and against Christianity. I am forced to believe it true. It is the conclusion of my mind after a candid examination. I cannot believe otherwise. Suppose I were in Turkey. Would the Turkish government have a right to punish me because I am not a Mahometan? Can an involuntary opinion be the subject of praise or blame? Can government rightly interfere with religious opinions? It cannot. Every man has, by the eternal law of nature, a right to worship God according to his own conscience. In the eloquent language of Mr. Brougham—now Lord Brougham—"The great truth has finally gone forth to all the ends of the earth, that man shall no more render an account to man for his belief, over which he has himself no control. Henceforward, nothing shall prevail upon us to praise or to blame any one for that which he can no more change than he can the hue of his skin, or the height of his stature. Civil government, we repeat, cannot rightly interfere with religious belief or opinion. It should look simply to the actions, to the conduct of individuals. History paints in strong colours the danger of a connexion between religion and government. Church and state have never been united without making the former subservient to the latter—without making religion, which should purify and ennoble the mind, a base instrument of tyranny and oppression."

In South Carolina, legal provision was made for the establishment of religious worship according to the church of England, for the erecting of churches, and the maintenance of clergymen. Mr. Adams notices this, and subjoins the following remarks:

"It is the testimony of history, however, that ever since the time of Constantine, *such an union of the ecclesiastical with the civil authority, has given rise to flagrant abuses and gross corruptions.* By a series of gradual, but well contrived usurpations, a Bishop of the Church, claiming to be the successor of the Chief of the Apostles and the Vicar of Christ, had been seen for centuries to rule the nations of Christendom with the sceptre of despotism. The argument against the use of an institution arising from its abuse, is not valid, unless, when after sufficient experience, there is the best reason to conclude, that we cannot enjoy the use without the accompanying evils flowing from the abuse of it. Such perhaps is the case in regard to the union between any particular form of Christianity and civil government. IT IS AN HISTORICAL TRUTH, ESTABLISHED BY THE EXPERIENCE OF MANY CENTURIES, THAT WHENEVER CHRISTIANITY HAS IN THIS WAY BEEN INCORPORATED WITH THE CIVIL POWER, THE LUSTRE OF HER BRIGHTNESS HAS BEEN DIMMED BY THE ALLIANCE."

Now, Christianity has never been incorporated in any other way with the civil power. It became a religion exclusively established by law, for the first time, under Constantine, in the year of our Lord 325. Ever since that time, then, according to Mr. Adams, "the union of the ecclesiastical with the civil authority has given rise to flagrant abuses and gross corruptions!" No matter under what particular form Christianity has been united with civil government, invariably "the lustre of her brightness has been dimmed!!" Is not this evidence sufficiently strong to prove the impropriety of a connexion between church and state? Is the experience of fifteen centuries not enough? Must we again make an experiment, founded on a principle that has ever proved a fruitful source of evils? Shall we thus tamper with human happiness? We trust not. Christianity stands in need of no unequal protection. Give her a fair field, and the legitimate weapons of reason, and she must and will prevail. The fortress of error will be compelled to surrender, and the gentle sway of the Gospel will be universally acknowledged.

Having thus briefly pointed out the impropriety of any connexion between church and state, we will proceed to a more particular examination of Mr. Adams's sermon. He introduces his subject in the following manner:

"No nation on earth, perhaps, ever had opportunities so favourable to introduce changes in their institutions as the American people; and by the time of the Revolution, a conviction of the impolicy of a further union of Church and State according to the ancient mode, had so far prevailed, that all the States, in framing their new constitutions of government, either silently or by direct enactment, discontinued the ancient connexion.

"A question of great interest here comes up for discussion. In thus discontinuing the connexion between Church and Commonwealth—did these States intend to renounce all connexion with the Christian religion? Or did they intend to disclaim all preference of one sect of Christians?"

* * * * *

"Did the people of the United States, when, in adopting the Federal Constitution, they declared, that 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof,' expect to be understood as abolishing the national religion?"—pp. 7, 8.

It is an historical question, says Mr. Adams, and to arrive at a correct conclusion, recurrence must be had to the ordinary means for adjusting inquiries of this nature. Accordingly he refers,

1. To the charters of the colonies, and other similar documents as to the settlement of this continent.
2. To the rise and progress of our colonial growth; and
3. To the Constitutions of the several States, and to the Constitution of the United States; from which he deduces this principle:—

"THE PEOPLE OF THE UNITED STATES HAVE RETAINED THE CHRISTIAN RELIGION AS THE FOUNDATION OF THEIR CIVIL, LEGAL, AND POLITICAL INSTITUTIONS; WHILE THEY HAVE REFUSED TO CONTINUE A LEGAL PREFERENCE TO ANY ONE OF ITS FORMS OVER ANY OTHER."—pp. 12, 13.

It is evident, on the first blush of the question, that the "colonial charters," and "the rise and progress of our colonial growth," can have nothing to do with the question, whether, under our present constitutions, there is any connexion between religion and civil government. That is a question to be decided by the constitutions themselves. But let us examine the three sources whence Mr. Adams draws his conclusion.

And 1. as to "the charters of the colonies, and the settlement of this continent." He contends, that the originators and early promoters of the discovery and settlement of this continent, had the propagation of Christianity before their eyes, as one of the principal objects of their undertaking—and refers, as an evidence of this, to the charters of Massachusetts, Virginia, Pennsylvania, and Rhode Island—(pp. 8, 9.) Now, granting this to be true, although we doubt that it is so, what reference has it to the question, whether we have an established "NATIONAL RELIGION?" We answer, none. The United States had no national existence previous to the 4th of July, 1776, when they first assumed a station among the nations of the earth. Indeed, even then, and under the Articles of Confederation, they can scarcely be considered as having done more than prepared for the establishment of civil national institutions. The Constitution of 1789 is the very basis, the foundation-stone of those institutions—and with that Constitution our inquiries should commence. But the inquiry is concluded by the Constitution itself—i. e. by the first article of the amendments to the Constitution, which says, "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.*" In a legal and constitutional sense, then, we have no "*established national religion.*" The language is inapplicable to the United States; it is unconstitutional language—language at war with the great principles of freedom on which our institutions are built. Mr. John Adams was right, when he wrote to the Dey of Algiers, that "the Constitution is, in no sense, founded on the Christian religion."

Our author, having cited the colonial charters, and paid a well merited compliment to our ancestors, remarks:—"We very much mistake, if we suppose ourselves so much advanced before them, that we cannot be benefited by becoming acquainted with their sentiments, their characters, and their labours." The mistake against which Mr. Adams here warns us, is a creature of his own imagination—a man of straw, set up by himself, that he may obtain a fancied victory. No one supposes it useless to learn the sentiments, characters, and labours of our ancestors. They serve, in some instances, as beacons, to warn—in others, as examples, to imitate. We acquire wisdom from the experience of our predecessors, and should live to little purpose, if we were to shut our eyes against the light of history.

We come now to the second source whence Mr. Adams draws his conclusion. "If we advert," says he, "for a moment, to the rise and progress of our colonial growth," we will find, that "wherever a settlement was commenced, a church was founded," and that "according to the views which had prevailed in Europe, since the days of Constantine, a legal preference of some one denomination over all others, prevailed in almost all the colonies," (pp. 10, 11.) Granted, we say: but this evidently has nothing at all to do with the question under the existing Constitution. It may be instructive to read the laws passed by our ancestors on the subject of religion. But every good man, and lover of his country, blushes at the superstition, bigotry, and intolerance, with which they were too often tainted. Need we refer to history? Let us look for a moment to the pilgrim fathers, to the colony at Plymouth. Speaking of them, a judicious writer observes:

"Much as we respect that noble spirit which enabled them to part with their native soil—by some held dearer than friends, relatives, or children, and by every generous bosom preferred even to life itself—we must condemn the proceedings which ensued. In the first moment when they began to taste of Christian liberty themselves, they forgot that others had a right to the same enjoyment. Some of the colonists, who had not emigrated through motives of religion, retaining a high veneration for the ritual of the English church, refused to join the colonial state establishment, and assembled separately to worship. But their objections were not suffered to pass unnoticed, nor unpunished. Endicott called before him the two principal offenders, and though they were men of respectability, and amongst the number of original patentees, he expelled them from the colony, and sent them home in the first ships returning to England. Had this inquisitorial usurpation been no further exercised, some apology, or at least palliation, might be framed. More interesting and painful consequences, however, not long afterwards, resulted. The very men who had countenanced this violation of Christian duties, lived to see their own descendants excluded from church communion; to behold their grandchildren, the smiling infants at the breast, denied the sacred rite of baptism." * * * "The first general court was held at Charlestown, on board the ship *Arabella*. A law was passed, declaring that none should be admitted as freemen, or be entitled to any share in the government, or even to serve as jurymen, except those who had been received as members of the church; *by which measure, every person whose mind was not of a particular structure, or accidentally impressed with peculiar ideas, was at once cast out of society, and stripped of his civic rights.*"

"This fanatical spirit continued to increase. The restless disposition of Williams had caused his banishment from Salem; and Coddington, a wealthy merchant of Boston, having, with seventy-six others, been banished from Massachusetts, for holding eighty erroneous opinions, and favouring the religion of Ann Hutchinson, purchased an island—and named it Rhode island—which includes the previous settlement by Williams. They received a charter from the British Parliament. By this it was ordered, that none were ever to be molested for any difference of opinion in religious matters. Yet the very first Assembly convened under this authority, excluded Roman Catholics from voting at elections, and from every office in the government. In 1656, a number of Quakers having arrived from England and Barbadoes, and given offence to the clergy of the established church, by the novelty of their religion, at that time, certainly, a little extravagant, were imprisoned, and by the first opportunity sent away. A law was then made, which prohibited masters of vessels from bringing any Quakers into Massachusetts, and themselves from coming there, under a penalty, in case of a return from banishment, as high as death. In consequence of this several were hanged. Toleration was preached against, as a sin in rulers that would bring down the judgment of Heaven upon the

land. Mr. Dudley died with a copy of verses in his pocket, of which the two following lines make a part :

Let men of God, in court and churches watch,
O'er such as do a toleration hatch.

The Anabaptists were the next object of persecution. Many were disfranchised, and some banished."

But why multiply examples? It affords us no pleasure to dwell on the follies of our ancestors. They cannot affect the question at issue between us and the author of the sermon now before us. To know the connexion of Christianity with the civil government of the United States, we must look to the Constitution of the United States, and that declares, as we have already seen, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Jews, Turks, Infidels, Christians, ALL stand on the same footing. Mr. Jefferson, in a letter acknowledging the receipt of a discourse on the consecration of a synagogue, says: "Your sect, by its sufferings, has furnished a remarkable proof of the universal spirit of religious intolerance, inherent in *every* sect; disclaimed by all while feeble, and practised by all when in power. Our laws have applied the only antidote to this vice—protecting our religious, as they do our civil rights, by placing all on an equal footing. But more remains to be done; for, though we are free by the law, we are not so in practice; public opinion erects itself into an inquisition, and exercises its office with as much fanaticism as fans the flame of an *auto da fe*."

We are prepared now to examine the third source whence Mr. Adams draws his conclusion—we mean the Constitutions of the several States, and the Constitution of the United States.

"In perusing the twenty-four Constitutions of the United States," says he, p. 11, "we find all of them recognising Christianity as the well known AND WELL ESTABLISHED RELIGION of the communities, whose legal, civil, and political foundations, these Constitutions are." And again, in pp. 15 and 16, he remarks, by way of a seeming inference: "Thus, while all others enjoy full protection in the profession of their opinions and practice, Christianity is THE ESTABLISHED RELIGION of the nation, its institutions and usages are sustained by legal sanctions, and many of them are incorporated with the fundamental law of the country."

So far is this from being true, that, we will venture to assert, in nearly all the twenty-four Constitutions it is assumed that there is *no established* religion, and that there should be no preference of any one religious denomination over another—whether Jews, Christians, Pagans, or Turks.

Some of the State Constitutions were framed *flagrante bello*, during the storm of the Revolution—while the public mind was engrossed with political subjects. It needs be a matter of little surprise, that, under such circumstances, and when there was in

most of the colonies a legal preference of one form of Christianity over all others, there should be found some provisions in favour of Christianity. Thus, in the Constitution of *Maryland*, adopted 14th April, 1776, Article 35 prescribes, that every person, before entering on any office of honour, profit or trust, shall make a declaration of belief in the Christian scriptures—thereby excluding from office all Jews. In the Constitution of *New Jersey*, adopted July 2d, 1776, the nineteenth section declares “all persons, professing a belief in the faith of any *Protestant* sect, eligible to offices of profit or trust.” And in the Constitution of *North Carolina*, adopted December 18th, 1776, the thirty-second section provides, that no person who shall deny the being of God, or the truth of the *Protestant* religion, or the Divine authority either of the Old or New Testament, or who shall hold, &c., shall be capable of holding any office or place of profit or trust in the civil department within that state. So that these two states went a step farther than *Maryland*, and excluded Roman Catholics as well as Jews.

The Constitutions of *New Hampshire*, (Part 1, Art. 6,) and of *Massachusetts*, (Part 1, Art. 3,) invest the respective legislatures of those states with “power to require, and direct them to require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make provision for the support and maintenance of public *Protestant* teachers of piety, religion, and morality.” These provisions are utterly indefensible. Nothing can justify the power thus given to the legislatures to invade the rights of conscience, and to compel an individual to pay for the propagation of a doctrine which he believes to be false, and fraught with mischief!

The Constitution of *Virginia* refers to Christianity, but gives it no preference over other religious denominations; on the contrary, the sixteenth article of the “Bill of Rights,” made by *Virginia* June 12, 1776, and prefixed to her Constitution of 1830, expressly provides against such preference. So, in the third article of the “Declaration of Rights” of the inhabitants of *Vermont*, July 4, 1793, after declaring the right of all men to worship God according to their own consciences, it is laid down, that “no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship.”

The Constitution of *Maine*, adopted October 29th, 1819, does not contain the word Christian. It is not even said to have been adopted “in the year of our Lord,” &c., but simply, “in Convention, October 29th, 1819.” It declares the natural and unalienable right to worship God according to conscience, and rejects all religious tests and discriminations. (See Article 1, Section 3.)

So, too, in the Constitution of *New York*, the word Christian is

not to be found. It is dated, "Done in Convention at, &c., in the year 1821." Art. 7, Sec. 3, provides, that "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed in this state to all mankind."

In like manner, *Kentucky*, in the 3d and 4th Sections, Art. 10, of her Constitution, recognises the rights of conscience, and declares, "that no preference shall ever be given by law to any religious societies or modes of worship: That the civil privileges or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion." The style of its date is similar to that of Maine or New York. It is this: "Done in Convention at Frankfort, the 17th day of August, 1799."

The Constitution of *Illinois*, adopted 26th August, 1818, recognises the right of all men to worship God according to the dictates of their consciences, and provides against any preference to religious establishments and against religious tests. (Art. 8, Sec. 3 and 4.

The Constitution of *Alabama*, adopted in 1819, is equally explicit. Article 1, Section 7, is in the following words: "There shall be no establishment of religion by law; no preference shall ever be given by law to any religious sect, society, or denomination, or mode of worship; and no religious test shall ever be required as a qualification to any office or public trust under this state."

The 4th and 5th Sections of the 13th Article of the Constitution of *Missouri*, adopted in 1820, run thus: "All men have a natural and indefeasible right to worship God according to the dictates of their own consciences: no man can be compelled to erect and support, or to attend any place of worship, or to maintain any minister of the gospel or teacher of religion: no human authority can control or interfere with the rights of conscience: no person can ever be hurt, molested, or restrained in his religious professions or sentiments, if he do not disturb others in their religious worship." "No person, on account of his religious opinions, can be rendered ineligible to any office of profit or trust under this state. No preference can ever be given by law to any sect or mode of worship: and no religious corporation can ever be erected in this state."

Indiana, in the 1st Article, 3d Section, of her Constitution, adopted in 1816, makes similar provisions in language equally strong.

Louisiana, in her Constitution, makes no reference to the subject of Christianity. No religious tests are prescribed; but offices and honours are open to all citizens.

The Constitution of *Georgia*, Article 4, Section 10, after declaring the rights of conscience, &c. provides: "No one religious society shall ever be established in this state in preference to any

other; nor shall any person be denied the enjoyment of any civil right, merely on account of his religious principles.

The Constitution of *Ohio*, Article 8, Section 3, has a similar provision. True, it declares that "religion, morality, and knowledge shall for ever be encouraged by legislative provision," but it adds, "not inconsistent with the rights of conscience." Besides, it provides that "no preference shall ever be given by law to any religious society or mode of worship."

The Constitution of *Pennsylvania*, (Article 9th, Section 3d,) and the Constitution of *Tennessee*, (Article 11th, Sections 3d and 4th,) assert the rights of conscience, and declare that "no preference shall ever be given by law to any religious establishments or modes of worship." It is true, the latter, in 8th Article, Section 2d, and the former in 9th Article, Section 4, exclude from office "those who deny the existence of God, or a future state of rewards and punishments." But this is no provision in favour of Christianity. The followers of Mahomet, the Jews, and most Pagans, believe these.

Mr. Adams has misrepresented the Constitution of *Delaware*, by garbling the 1st Article, Section 1. The Constitution declares, that "through Divine goodness, all men have by nature the right of worshipping and serving God according to the dictates of their consciences." It then proceeds:

"ARTICLE 1, § 1. ALTHOUGH it is the duty of all men frequently to assemble together for the public worship of the author of the universe; and piety and morality, on which the prosperity of communities depends, are thereby promoted; *YET no man shall, or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in, or assumed by any magistrate, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nor shall a preference be given by law to any religious societies, denominations, or modes of worship.*

§ 2. No religious test shall be required as a qualification to any office or public trust under this state."

Mr. Adams omits the word "although" in the first section, and ends with the word "promoted," leaving out all that we have italicised. Even in the mangled form presented by him, the section simply expresses the duty of all men publicly to assemble and worship God—a duty which Jews and others feel as well as Christians. But in its proper form, it denies the right of any human power to interfere with religious opinions.

Mr. Adams cites Article 7, Section 1, Constitution of *Connecticut*, which makes some regulations concerning societies of Christians, and the manner in which individuals may separate therefrom; but he does not notice the very first Article, which in the 3d Section declares, that "the exercise and enjoyment of religious profession and worship *without discrimination*, shall for ever be free to all persons in the state."

We have now briefly examined the constitutions of all the states except South Carolina, and have fully sustained our assertion, that in nearly all the twenty-four constitutions freedom of conscience has been recognised as one of the unalienable rights of man, and that no preference is allowed to any religious denomination—whether it consist of Jews, Christians, Pagans, or Turks. The principle obtained from the foregoing examination is then this—*VIZ. THE PEOPLE OF THE SEVERAL STATES—ALTHOUGH A VAST MAJORITY OF THEM WERE CHRISTIANS—RESOLVED, IN FRAMING THEIR CONSTITUTIONS, TO DESTROY ALL CONNEXIONS BETWEEN CHURCH AND STATE.* Of course, we except those who have, in spite of reason and the experience of more than fifteen centuries, established a preference for certain sects—a preference which Mr. Adams himself affects to deprecate.

In order to complete our examination of the constitutions, we must refer to the Constitution of South Carolina and the Constitution of the United States. Before we do so more particularly, we will notice two expressions which are to be found not only in those constitutions, but in several already examined. We do this, not because the expressions themselves call for any comment—but because an ingenious though sophistical argument has been built upon them.

The expressions are: 1. “If any bill shall not be returned by the president (or governor) within ten days, (the number differs in different states,) *SUNDAYS EXCEPTED,*” &c. 2. “Done in Convention, &c., in the *YEAR OF OUR LORD,*” &c.

Upon the first expression, Mr. Adams has borrowed the argument of Mr. Frelinghuysen in the United States’ Senate. Upon the second, so far as we are informed, he is entitled to the credit of originality. Both expressions, he contends, are recognitions of Christianity.

We have already remarked, that many of the state constitutions were framed in the midst of war and confusion—when the public mind was engrossed with political subjects. Ninety-nine hundredths of the people were, and still are thoroughly convinced of the truth of the Christian scriptures. The exception of Sundays, above cited, notwithstanding the many political reasons which may be urged in its favour, is to be attributed to this general conviction. Public opinion will have its effect; and we are only surprised that more expressions of this occasional kind are not to be found in the constitutions. But to infer from this that the people of the several states have retained the Christian religion as the foundation of their civil, legal, and political institutions, is worse than absurd. It is building up weakness. It is like an attempt to construct an inverted pyramid—to rear an immense superstructure with a point for a base. But if we are shocked at so sweeping an inference from such premises, what must we think, when we reflect

that the inference is directly contradicted by the various provisions already cited from the constitutions themselves?

These remarks will apply with equal, perhaps greater force, to the dates of some constitutions—"Done, &c., &c., in the year of our Lord." Besides, it has become a sort of fashion in dating papers to say, "in the year of our Lord." C'est une façon de parler—a mere mode of speech. This perhaps may be traced to the fact, that we are Christians. It does not show that Christianity is the foundation of our civil, legal, and political institutions. On the contrary, assuming with our author that the date of the Constitution of the United States—"in the year of our Lord"—refers back to the words, "We the people of the United States," it would only amount to this, that the people of the United States, although professing themselves Christians, were so thoroughly convinced of the impropriety of any and every connexion between church and state, that they laid it down as a fundamental law, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

We will now examine more particularly the Constitution and laws of South Carolina, so far as this subject is concerned. Mr. Adams refers to the Carolina charters of 1662-1663, and of 1665. But these have nothing to do—as we have already seen—with the relation of Christianity to civil government under the present Constitution. We therefore dismiss them. In like manner we would dismiss the Constitution of South Carolina, 1778; but Mr. Adams contends, that the Constitution of 1790, which is at present the fundamental law of the state, is no more than an alteration or amendment of the Constitution of 1778. Let him speak for himself:

"This Constitution itself *decides*, that it is no more than an alteration or amendment of the preceding Constitution of the State. (*See Constitution of South Carolina of 1790, Art. 8. Sect. 2.*) The Constitution of 1778, then, is still in force, except so far as it has "been altered or amended" by the Constitution of 1790; and the 38th Section of the former is still in force, except so far as it has "been altered or amended" by Article 8th of the latter. Note E, p. 37.

What is the 38th section, alluded to by our author?

It declares the Christian Protestant religion the established religion of the state. It then provides that Protestant societies may be incorporated, provided fifteen members subscribe the following articles—and not otherwise:—

1. That there is one God, and a future state of rewards and punishments.
 2. That God is publicly to be worshipped.
 3. That the Christian religion is true.
 4. That the Old and New Testaments are of Divine inspiration, and the rule of faith and practice.
 5. That every witness, when called on, shall speak truth, &c.
- We have studied with some attention the Constitutions of South

Carolina, and cannot but express our surprise at Mr. Adams' assertion, that the Constitution of 1790 itself, decides that the Constitution of 1778 is still of force, except so far as it has been altered or amended. There is not a word in the present Constitution to support the assertion. The Constitution of 1790, wholly superseded that of 1778. But Mr. Adams refers for support to the 2d Section, 8th Article Constitution of South Carolina. This relates solely to the rights preserved to corporate bodies and societies. No constitutional lawyer of any reputation can be found bold enough—we had almost used a harsher term—to say, “that the Constitution of 1790 leaves Christianity, *i. e.* Christianity without distinction of sects—precisely as it found it established by the Constitution of 1778.” The Constitution abolishes all distinction of religious denominations. The follower of Moses is seated in our legislative hall by the follower of Jesus. The object of each is alike his country's honour, and his country's good.

We cannot argue the seal off the bond: we cannot argue the words out of the Constitution. The language is too clear to be misunderstood. Let us read the 8th article, to the 2d section of which Mr. Adams refers:—

“ARTICLE VIII.

SECTION 1. The free exercise and enjoyment of religious profession and worship, WITHOUT DISCRIMINATION OR PREFERENCE, shall for ever hereafter, be allowed within this State to all mankind, &c.

SECTION 2. The rights, privileges, immunities, and estates of both civil and religious societies, and of corporate bodies, shall remain as if the Constitution of this State had not been altered or amended.”

The meaning of this is palpable. The civil and religious societies, which have under the old Constitution acquired property and rights, shall not be deprived of their estates and privileges. But henceforth the free exercise of religious worship and profession, *without discrimination or preference*, shall for ever be allowed within this state to all mankind. Yet Mr. Adams contends that Christianity—without distinction of sects—is the established religion of the state! “It is too manifest,” says he, “to require argument, that the Constitution of 1790 leaves Christianity—that is, Christianity without distinction of sects—precisely as it found it established by the Constitution of 1778.” So that, according to him, “the free exercise of religious profession and worship,” means only “the profession of Christianity!” And the establishment, the legal and constitutional establishment of Christianity, makes no discrimination or preference between the Jew and the Christian. The framers of the Constitution built no temple for intolerance. The cornerstone of their structure was liberty—liberty in its broadest and most general sense—liberty of speech, liberty of the press, liberty of conscience—the right to worship God in any way man thinks fit.

But Mr. Adams says:—

"It has hitherto been supposed, that our judges, our legislators, and our statesmen, ought to be influenced by the spirit, and bound by the sanctions of Christianity, both in their public and private conduct; but no censure can be rightfully attached to them for refusing to comply, if nothing of this kind is required by the commissions under which they act, and from which their authority is derived."—Page 16.

How is this? Jews hold offices of honour and trust under the general government: many hold commissions in the militia of the several states; many in the army and navy of the United States: Jews have been sent abroad as consuls: Jews are to be found in the legislative halls of South Carolina, New York, &c. Are *they* bound by the sactions of *Christianity*, in their public and private conduct? Do the commissions under which they act, require any thing of this kind? Will they not consider this constitutional doctrine of Mr. Adams somewhat strange? We have dwelt too long on this point. Proceed we to another.

Mr. Adams says:—

"The statute of December 12th, 1712, in adopting the Common Law of England as the Law of South Carolina, (*Grimke's Laws of South Carolina*, p. 99,) made Christianity a part of our fundamental law, it being a well established principle that Christianity is a part of the Common Law of England."*

We would remark now, in the first place, that in adopting the common law of England, South Carolina did not adopt it unreservedly. She only adopted such portions of it as were consistent with her Constitution and laws. She did not, and she could not deprive herself of the power of altering that common law, when applied to herself. If Christianity, then, were a part of the common law, she certainly had a right to abolish it if she thought proper. This right she exercised in framing her Constitution in 1790.

This is a complete reply to the argument, that the statute of 1712 incorporated Christianity with the laws of South Carolina, even if we admit his dictum—that it is a well settled "principle, that Christianity is a part of the common law of England."

But we deny that Christianity ever was a part of the common law of England. We do not know how we can better express our opinion on this subject, than by copying the following extract of a letter from Mr. Jefferson to Major Cartwright, dated Monticello, June 5, 1824.

* "Sec. 11, Sergeant & Rawle, pp. 400, 401, where the Supreme Court of Pennsylvania says, that 'from the time of Bracton, Christianity has been received as part of the Common Law of England.' To this effect, the opinions of Lord Chief Justice Hale, (the great and good Lord Hale) Lord Chief Justice Raymond, and Lord Mansfield, are quoted. The Court refer to the *King vs. Taylor*, 1 Vent. 293, 3 Keb. 607—*The King vs. Woolston*, 28 tra. 834. Fitz. 64. Raym. 162. Fitz. 66.—*Evens vs. Chamberlain of London*. *Furneaux's Letters to Sir W. Blackstone*. Appx. to *Black. Com.* and 2 Burns' *Eccles. Law*, p. 95—also, 8 Johnson, 292, where the Supreme Court of New York quote the same authorities, and add Emlyn's Preface to the *State Trials*, p. 8. Whitlock's Speech, 2 *State Trials*, 273. Tremaine's Pleas of the Crown, 226. S. C. *The King vs. Williams*, tried before Lord Kenyon in 1797."

"I was glad to find in your book a formal contradiction at length of the judiciary usurpation of legislative powers; for such the judges have usurped in their repeated declarations that Christianity is a part of the common law. The proof of the contrary which you have adduced is incontrovertible, to wit, that *the common law existed while the Anglo-Saxons were yet Pagans; at a time when they had never yet heard the name of Christ pronounced, or knew that such a character had existed.* But it may amuse you to show, when and by what means they stole this law upon us.

"In a case 'quare impedit,' in the Year Book, 34. H. 6. fo. 38 (1453), a question was made, how far the ecclesiastical law was to be respected in a common law court? And PRISOT, C. 5., gives his opinion in these words: 'A tielx Leis que ils de Saint Eglise ont en *ancien scripture*, covient a nous a doner credence; car ceo common Ley, surquel tous mans leis sont fondes. Et auxy Sir, nous sumus obliges de conustre nostre ley. Et, Sir, si poit apperer a nous que l'evesque ad fait comme un ordinary fera en tiel cas, a dong nous devons ces adjudger bon, ou autrement nemy,' &c. See S. C. Fitzh. Abr. qu: im. 89. Bro: Abr. qu: imp. 12. FINCH, in his first book, c. 3. is the first afterwards who quotes this case, and misstates it thus:—'To such laws of the church as have warrant in *holy scripture*, our law giveth credence,' and cites PRISOT, mistranslating '*ancien scripture*' into '*holy scripture*;' whereas PRISOT palpably says, 'to such laws as those of holy church have in *ancient writing*, it is proper for us to give credence;' to wit, to their ancient written laws. This was in 1613, a century and a half after the dictum of PRISOT. WINGATE, in 1658, erects this false translation into a maxim of the common law, copying the words of FINCH, but citing PRISOT. (Wingatis max. 3.) And SHEPPARD, tit. religion in 1675, copies the same mistranslation, quoting the Y. B., Finch and Wingate. HALE expresses it in these words; 'Christianity is parcel of the laws of England.' 1. Ventr. 293: 3. Keb. 607; but quotes no authority.

"By these echoings and re-echoings, from one to another, it had become so established in 1728, that in the case of the *King vs. Woolston*, 2 Str. 834, the court would not suffer it to be debated, whether to write against Christianity was punishable in the temporal courts at common law! WOOD, therefore, 409, ventures still to vary the phrase, and says, 'that all blasphemy and profaneness are offences by the common law,' and cites 2. Str.

"Then BLACKSTONE, in 1763, N. 59, repeats the words of HALE, that Christianity is part of the common law of England, citing *Ventris and Strange*; and finally, LORD MANSFIELD, with a little qualification, in *Evans' case*, in 1767, says, 'that the essential principles of revealed religion are parts of the common law,' thus engulfing bible, testament, and all, into the common law, without citing any authority.

"And thus far we find this chain of authorities hanging, link by link, one upon another, and all ultimately upon one and the same hook, and that a mistranslation of the words '*ancien scripture*,' used by PRISOT. FINCH quotes PRISOT; WINGATE does the same: SHEPPARD quotes PRISOT, FINCH, and WINGATE: HALE cites nobody; the court in *Woolston's case* cites HALE; WOOD cites *Woolston's case*; BLACKSTONE quotes *Woolston's case* and HALE; and LORD MANSFIELD, like HALE, ventures it on his own authority.

"Here I might defy the best read lawyer to produce another scrip of authority for this judicial forgery; and I might go on further to show how some of the Anglo-Saxon clergy interpolated into the text of Alfred's laws, the 20th, 21st, 22d, and 23d chapters of Exodus, and the 15th of the Acts of the Apostles, from the 23d to the 29th verse But this would lead my pen and your patience too far. What a conspiracy this between church and state!!!"

We might safely rest here; but the question before us is too important to suffer us to pass by other authorities.

Richard Carlisle published "*Paine's Age of Reason.*" In 1818, he was prosecuted for blasphemy and convicted, and sentenced on the 19th November, 1819, to three years' imprisonment, and to fines of £1500. He was, under various indictments and convictions, confined six years.

On the 30th June, 1825, Mr. Brougham presented a petition to the House of Commons in his behalf. In the petition it is urged,

"That Lord Hale was the first who asserted Christianity to be part or parcel of the law of the land: that but a few years before this unfair addition to the common law, Lord Chief Justice Coke, always considered as good an authority as Sir Matthew Hale, distinctly laid it down as law in mentioning the case of *Caudrey*; so in causes ecclesiastical and spiritual, as *blasphemy*, apostacy from Christianity, heresies, schisms, &c., the *consuance whereof belongeth not to the common law of England*; the same are to be determined and decided by ecclesiastical judges, according to the king's ecclesiastical laws of this realm; and he gives as a reason, for as before it appeareth the deciding of matters, so many and of so great importance is not within the consuance of the common law.*

"That before the abolition of the star chamber, and the decay of the ecclesiastical courts, no cases of blasphemy towards the Christian religion were known to the common law courts.

"That no statute can be found which has conferred authority on the common law courts, to take consuance of a charge of blasphemy toward the Christian religion, as assumed by Sir Matthew Hale.

"That it therefore clearly appears, that *that* and the subsequent consuance of such cases by the common law courts, have been an unjust usurpation of power, and an unlawful creation of law, contrary to the common and statute laws of this realm.

"That later in the middle of the 18th century, Lord Mansfield decided, that the common law did *not* take consuance of matters of opinion: whence it appears, by this and the authority of Lord Coke, the immediate predecessor of Sir Matthew Hale, that the judges are not unanimous on the subject; and that Sir Matthew Hale evidently warped the common law to punish an individual who had not committed an infringement of that or any other law; and that such has been the conduct of the judges in the case of your petitioner and others."

Mr. Brougham supported the petition in a very able and eloquent argument. None of the law officers of the crown attempted a reply. The fine was remitted by a warrant of the king, dated 12th November, 1825.

We will now refer to the argument of Carlisle, in 12 Repub. 652. It was to the following effect.

The common law has been loosely described as that to which the memory of man runneth not to the contrary. But the time of legal memory has been more accurately defined, to be any time within the first year of Richard I.

Now the Christianity that existed before that time was that of the Roman Catholic church—and that Christianity the church of England pronounces "idolatrous and damnable."

Parliament, in 1713, pronounced it blasphemy to impugn the doctrine of the Trinity; and in 1813 declared it lawful to impugn that doctrine.

What then is the Christianity which is part and parcel of the common law of England?

We would ask Mr. Adams what was the Christianity which South Carolina adopted, in adopting the common law of England, when the Protestant religion was the established religion of the

* 5 Coke's Rep. IV. a. 33d year of Elizabeth.

state? Was the *Protestant* religion ever a part of the common law? We have seen that it was not. But if ever, it was clearly repealed, when South Carolina in her Constitution declared, that the free exercise of religious profession and worship, without discrimination or preference, should for ever be allowed within her limits to all mankind. Mr. Adams refers to the speech of Whitelock, 2 State Trials, 275. The reference is unfortunate; in that very page we find the lord commissioner, Whitelock, mentioning a case where the bishop committed a man for *heresy*, "for denying that tithes were due to the parson." Does Mr. Adams acknowledge this to be law?

The reference to Emlyn's preface to the State Trials is equally unfortunate. The preface contains some judicious remarks—among them, the following concerning indictments for blasphemous libels: "It is customary to insert the words '*falsò et malitiosè scripsit, &c.*' and indeed they are the very gist of the indictment, and absolutely necessary to constitute the offence; for as no words can be blasphemy, (*viz.* a reproachful reflection on God or religion,) which are true—for truth can be no reflection on the God of truth)—so no opinion, however erroneous, can merit that denomination, unless uttered with a malicious design of reviling God or religion. Yet how often have persons been found guilty on these indictments, without any proof of the falsehood of the positions, or of the malice of him who wrote them. Nay, sometimes there is a great deal of reason to think they were published from no other principle but a sincere love and regard for truth."

We come now to the decision in the case of the *People vs. Ruggles*, cited by Mr. Adams from 8th Johnson's Reports, 292. In that case, the Supreme Court of New York relied on the authorities already examined, and shown to be illegal. Their positions are utterly untenable. The decision was made in 1811; we have not the then Constitution of New York by us, but it is clear as the sun at mid-day, that the case is overruled by the 7th Art. 3d Sec. Constitution New York, adopted in 1821. The words of the section are: "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed in this state to all mankind." We will not dwell longer on this point; but in taking our leave of it, we must advise Mr. Adams, who seems fond of quoting decisions, whenever he again assumes the part of a lawyer, to bear in mind what the books say, *viz.* "The law and the opinion of the judge are not always convertible terms, or one and the same thing; since it sometimes may happen that the judge may mistake the law."

It appears then that the assertion, that Christianity is a well established principle of the common law, is erroneous. It is a judicial forgery, a usurpation of legislative powers by the court, a bench-made, judge-enacted law, unsupported by proper legal

authority. They who wish to see this subject fully treated, will do well to peruse "Cooper's Law of Libel"—particularly that portion of it which treats of ecclesiastical libels. It is replete with learning and argument; its style is clear, vigorous, and striking, although occasionally rough and abrupt; it is sometimes witty, and sometimes eloquent; it exhibits great power of condensation, notwithstanding it is frequently disfigured by repetitions; it is always fearless in the expression of opinions, and its legal argument is unanswerable.

Mr. Adams, having noticed the common law, proceeds to quote an act passed by South Carolina in 1712, prohibiting persons from travelling on Sunday, or employing their slaves at work on that day. But this law is obsolete. Persons are continually travelling on Sunday. The mail is carried and opened on Sunday. Passengers crowd the stages on Sunday. In fact, this act of 1712 is repealed by the Constitution of 1790. With regard to not employing slaves at work on Sunday, we would observe, that public opinion—which is stronger than the law—causes this to be observed. Independently of our own individual religious profession, which induces us to observe the Sabbath, we are satisfied that in a political point of view, the observance of the day is attended with beneficial effects. These have been frequently pointed out. It is a day of rest for those who have laboured hard throughout the rest of the previous week. As such, it invigorates both body and mind. The certain prospect of a holiday is exceedingly exhilarating. It diffuses cheerfulness over the heart. It gives the poor an opportunity to prepare for its enjoyment. It insures them a period of rest, which would otherwise depend on the caprice of the task-master. Sunday is indeed a day of jubilee and rest, of enjoyment and ease. Ordinary occupations are suspended: and if a cheerful heart be pleasant in the sight of God, to that day HE must look with peculiar delight! It is unnecessary to dwell on the advantages of Sunday as a period of rest for cattle—for horses, mules, oxen, &c.

These and other considerations, make it politic to have a fixed day of rest: and no reason can be given for preferring any other day to Sunday.

Mr. Adams seems to have a high relish for old laws on the subject of religion; and, we have no doubt, will pay equal reverence to those which regulate the conduct, and those which regulate the belief of individuals. There is an act intended to provide for the security of the province of South Carolina, and more especially of church-going people. It is to be found in pages 185 and 186, *Grimké's Public Laws*. It was enacted in 1743, made perpetual by revival act of 1783, and has never since been repealed. We commend it to Mr. Adams' notice. It enacts that "all male persons, under sixty years of age, who shall go on Sunday or Christ-

mas-day, to any church or place of worship, without a gun or a good pair of horse-pistols in good order and fit for service, with at least six charges of gunpowder and ball; or who shall not carry the same into the church or other places of Divine worship, shall forfeit and pay the sum of 20s. current money." We trust that hereafter Mr. Adams will not neglect the duty prescribed by this act, and that every Sunday he will be seen with a gun on his shoulder, in conformity with the law.

We have thus, at the risk of being tedious, in most instances laid before our readers the very words of the several provisions in most of our constitutions, on the subject of religion. It is the only fair way of examining the question now before us—a question of vital importance—a question between liberty and tyranny, between the rights of conscience on the one hand, and intolerance, bigotry, and superstition on the other. The argument on the common law will apply to most of the states—so that while we have apparently been confining ourselves to the law of South Carolina, we have in truth been discussing the general law of the country.

We have seen that the connexion of Christianity with civil government has been, for fifteen centuries, invariably productive of the most flagrant abuses and the grossest corruptions. We have shown that there is, and there can be no middle ground between perfect liberty of conscience and despotism—since to give government power to protect Christianity for instance, is to give it power to declare what *is* Christianity, and what is necessary for its protection—in other words to give it unlimited power. We have shown also that opinion, faith, belief, are involuntary; that no human power can rightly interfere with them; that the object of civil government should be the regulation and promotion of human happiness here on earth; and that it should confine itself to the *conduct* of individuals, and regulate the duty of man towards man; but should not interfere with the relation between man and God. We have shown that most of the states, in framing their constitutions, have been influenced by these considerations; that in our country, Christianity has no connexion with the law of the land, or our political institutions; but that although a vast majority of the people of the United States are Christians, they have refused to give the general government power to make any laws on the subject, and have guaranteed to every man liberty of conscience, without discrimination or preference of any sect.

Christianity requires no aid from force or persecution. She asks not to be guarded by fines and forfeitures. She stands secure in the armour of truth and reason. She seeks not to establish her principles by political aid and legal enactments. She seeks mildly and peaceably to establish them in the hearts of the people.

ART. V.—*Sketches*, by MRS. SIGOURNEY. 12mo. pp. 216. Philadelphia: Key & Biddle: 1834.

"It may be asked," says the editor of a late Review, "are American writers to be treated thus rigidly? Will not some allowance be made for them because they are American? Is it not incumbent on every one animated with a proper feeling of patriotism, to cherish every literary effort of a fellow-countryman, especially if he happen to be one who occupies a prominent position in the public esteem, his reputation being then a part of the reputation of the country itself? These questions there is no hesitation to answer in the negative. They imply a wholly inadequate impression of the condition and present prospects of American literature; they tacitly assume it to be in an infant state, instead of having already advanced into at least the first stage of a vigorous manhood; and they betray an exaggerated estimate of the influence of criticism. American literature is no longer a sickly and sorry bantling, that must be kept alive by being ever held on the knee and fed with the milk of encouragement, or the pap of flattery. It can now support itself without a prop, and is capable of digesting even the strong meat of reproof, occasionally administered to it by a reviewer, without any danger of sinking under the operation."

The sentiments contained in this short extract, though not perhaps free from error, are we think well adapted to the present state of American literature. That the great body of our authors, even including those who hold the highest rank in the estimation of their countrymen and of foreigners, stand in need rather of severe and impartial criticism, than of blind and undistinguishing flattery, is a truth, important as regards our further literary advancement, but by many disbelieved or disregarded. The time has gone by, if indeed such a time there ever was, when shame crimsoned the cheek of the American at the reproach and ridicule which transatlantic nations cast upon his intellectual labours; but our rapid advance in the paths of learning has not yet brought us to that state of perfection which would render criticism unavailing, and require us to lavish upon every production expressions of unbounded applause, without the trouble of exercising a discriminating judgment. Many persons seem to suppose, that because the works which issue from our press are often read with avidity and with approbation in other countries, even in those where, but a short time ago, it seemed to be the common interest to decry all American publications as infantile and unworthy of an enlightened age, we have therefore attained all that is desirable, and that we need no longer make use of means

adapted to promote further improvement. We do not say that such an opinion is ever expressed in the words which we have employed, or that any one, if the question were asked, whether, in this age of universal and rapid progression, our literature alone be not susceptible of greater improvement; whether it alone has, to all appearance, gained its highest elevation and utmost extent, would answer in the affirmative; but what then is the meaning of those who talk of the proud maturity, the full and vigorous strength of this literature? What signification can be attached to such expressions, reiterated as they are by so many tongues, if not that the greatest attainable degree of literary excellence has been already reached? But since this mistake is so palpable, and since it may be considered as owing to confusion of ideas, or to the misuse of words, rather than as the offspring of a deliberate judgment, we leave it, after these remarks, and pass on to the consideration of a second error in regard to this subject, of greater moment than the first, since it is more widely diffused, and, at the same time, does not want its open and strenuous advocates. It is this error which is particularly combated in the remarks which we have quoted above, though perhaps not so much at large as the extent of its influence demands.

The great majority, indeed we may say all of those who have formed any deliberate and settled opinions respecting the present character and future prospects of American literature, must be agreed, that in this, as in every other field of labour, there is room for extensive improvement; but all are not agreed in regard to the means best adapted to foster the *spirit* of improvement, to promote a more full and manly development of mind. Many persons, while they willingly admit, that unsparing censure of the worthless productions of mere pretenders to literary fame, or of the accidental failures and eclipses of an acknowledged but unequal genius; that sober and enlightened praise, bestowed where justly merited; in short, that impartial and discriminating criticism have done much for the promotion and advancement of intellectual enterprise in other countries, where learning has flourished for a longer period, and where the press sends forth a greater flood of publications than in our own; yet at the same time ask, in the language which we have quoted, "Are American writers to be treated thus rigidly?" Would it not be advisable to use less severity in judging of their productions, and even to withhold deserved reproof, for fear of damping literary ardour and enterprise? Or, in other words, are there not cases in which lenity is to be preferred to strict justice? To these inquiries is added still another, founded upon the feeling, that as countrymen we ought to look upon ourselves as members of a sort of masonic brotherhood, bound to support each other in every endeavour, whether laudable or the contrary. It is demanded, "Is it not incumbent on every one,

animated with a proper feeling of patriotism, to cherish every literary effort of a fellow-countryman?"

In answering these questions, it will be necessary to make some methodical arrangement of the thoughts which occur to us. What then is the end to be attained in the cultivation and improvement of our national literature? That there is some end, must be evident to every mind. It cannot be our object merely to increase the number of American authors, and to raise the standard of genius; to pour forth from our press a greater supply of books in every department of learning, and these of greater excellence than heretofore. This would be but to labour in perfecting a powerful piece of machinery, without intending to apply its powers to any useful purpose. The only possible end to which the results of literary exertion can be applied, is the instruction and improvement, or the amusement of the community. Perfection in book-making would be altogether unavailing, were there no readers to be profited or pleased. Now, after this view of the subject, let us ask what stand the critic ought to take in consideration of his duties as a patriot? Let us suppose, for a moment, though we shall hereafter endeavour to prove the supposition incorrect—let us suppose that praise, bestowed indiscriminately upon every American production, simply because it is American, would have the beneficial result of cherishing our literature, and increasing the number of good writers; what effect would it produce among the reading portion of the community? It certainly would not be the part of the patriot, indulging, as he is supposed to do, a noble interest in the welfare and improvement of every one bearing the American name, to commend, by unmerited praise, the works of an inferior author, destitute alike of instruction or amusement, to persons anxiously searching after both. If we cannot rely upon the impartial justice of those capable of sitting in judgment upon the character of a work, what must be done? As it is impossible to read every thing, in order to judge for ourselves, we must either read whatever chances to fall in our way, sometimes meeting with proper food for our minds, but oftener with that which is unwholesome; or we must read nothing, if we would wish to avoid constant fatigue, disappointment, and injury. It would be as well that we had no national literature, if that literature were useless; it would be far better that we had none, were it really injurious.

But we have said that we thought the supposition made above to be entirely incorrect, and that we would endeavour to support this opinion. In doing so, we give an answer to the questions which we have before noticed, in regard to the expediency of treating American authors more leniently than others, for the encouragement of literary effort. We would not say, that those who can seriously propose these questions "betray an *exaggerated* estimate of the influence of criticism," but that they betray a very

erroneous estimate; that they have formed a very hasty and unwarrantable conclusion. This distinction is made from the idea, that just criticism produces the uniform effect, of advancing the cause of learning; and, if the influence which is able to foster national literature, to elevate and extend its field, to exercise a sort of creative power, is greater than that which can but retard or destroy, then, certainly, that can hardly be called "an *exaggerated* estimate," which would attribute to criticism a destructive influence—an influence less powerful than it really does exert. What we shall next endeavour then to show is, that the most impartial justice always exercised towards American publications, in judging of their merits, and giving this judgment to the public, will have the same effect in this country which it has ever had in others; viz. that of promoting the advancement of learning. But our remarks will not be limited in their application to the literature of the United States; the same principles, in regard to the effects of criticism, apply universally.

We have spoken of the manner in which the interests of the community at large, the reading community, would be affected by a system of indiscriminate flattery of authors. It remains to be determined whether, at the same time that endeavours were thus made to cherish our national literature at the expense of the public, there would not be a powerful reflex influence exerted, entirely destructive to this literature. The perusal of inferior works, when we know them to be such, can do us little injury, excepting as time, never to be recalled, is thrown away. But when such works come into our hands commended by the unqualified praises of an accredited and able critic, then it is that a more injurious result may be anticipated, especially if we have not yet formed any fixed and distinct ideas respecting literary merit. In the latter case, it may reasonably be thought that our taste will be vitiated, and that we will soon be prepared to lavish, in our turn, praises upon all that is low and groveling in literature, but with more honesty than those *patriotic* and *sagacious* critics, to whom we are beholden for the "*cherished*" obliquity of our judgment. It is easy to understand that when a vitiated taste pervades society, and when the senseless productions of mere tyros and scribblers can greedily, and with relish, be devoured by readers of all classes, who, at the same time, are unable to appreciate the excellence of real genius, no adequate encouragement will be given to the labours of the latter; and when all incentive to intellectual exertion is wanting; when the cold hand of neglect presses with paralysing effect upon the brow of genius; the noblest mental gifts, the finest sensibility of soul depart, leaving but a feebly animated body, fit only for the intercourse of an icy world. On the contrary, the effect of criticism is to form and refine the public taste for literary productions, to render the reading community more difficult to be

pleased, and, at the same time, more willing to reward that merit, which it is able both to distinguish and to admire.

It is an established maxim of civil government, "*Judex damnatur cum nocens absolvitur.*" And what would be the consequence were this maxim disregarded? Would that judge be held pardonable, who should be in the habit of treating criminals with lenity, simply because they were fellow creatures, or fellow countrymen, or because he supposed that such a course would have the unprecedented result of retarding the progress of crime? He would be committing in this case a double injustice; first, to the community at large, by neglecting to punish offenders, and by turning them loose, to renew their offences; and, secondly, to all innocent persons brought before his bar. For what pleasure would an innocent man feel in his acquittal, when the criminal shared in the same joy? Though conscious of his freedom from guilt, yet, in his very release, must he feel himself associated with the guilty. The same is the case with the author arraigned before the tribunal of the critic, who praises all on whom he sits in judgment; in consequence of which, the loftiest mind receives the same meed of applause as the most groveling; a reward which it cannot value; which excites it not to greater efforts. It may indeed be said, that flattering alike all literary productions, would increase the number of writers, for that hundreds would, in all probability, be induced to write, from the simple consideration of its being so easy to please the public: but this would be an increase of scribblers only, not of instructive and amusing authors; an increase of those, whose works would be better adapted to illumine the hearth than the head.

It is a great mistake too to suppose, that less severity should be employed in reproofing the occasional failures of writers, who may have already gained some degree of celebrity by their productions, who "occupy a prominent place in the public esteem, their reputation being then a part of the reputation of the country itself." No mistake can be more dangerous than this, especially to the character which we sustain abroad. How much better that we should show ourselves perfectly qualified to form a sound judgment in every case, than that we should appear servilely bowing down to a celebrated name, and dazzled by its splendour, unable to discover the most palpable shade cast upon its brightness. An author, so long as he sustains a high reputation, sheds a lustre upon the literature of his country; but when his mental powers decline, or wander, that literature does not necessarily suffer, unless he be its only luminary. What estimate are other nations to make respecting our claims as a literary people, when one, who is reputed to stand among the first of our writers, sends forth into the world a work which is either totally devoid of genius, or at least presents no redeeming excellence, but which, notwithstanding its defects, is received and perused with every expression of satisfac-

tion, and is greeted, both by the reviewer and by the public, with the same full praise to which the ablest work would be entitled? Well might they reason—if this be the *chef d'œuvre* of their boasted author, what can be the productions of those who are his inferiors in genius? What can be the general literature of such a people? Hence it is, that in order to sustain our literary reputation, it is even more necessary to censure the failures of good, than those of indifferent authors.

We said in the commencement of these remarks, that the sentiments contained in the passage which we had quoted, were not perhaps free from error; and if the views which we have taken in the preceding pages be correct, one error at least is very apparent. The author seems to take for granted, that if American literature were any “longer a sickly and sorry bantling,” it “must be kept alive by being ever held on the knee, and fed with the milk of encouragement, or the pap of flattery.” If, however, the effects of able criticism be such as we have represented, it would always, in every possible condition—even in the infant state of literature, produce the beneficial result of reforming the public taste, of causing a due appreciation and reward of genius, and, at the same time, of discountenancing, as far as might be possible, by stern severity, every useless and injurious production. But as regards this, we do not believe that the most severe censure, much less undeserved flattery, is able to do much toward the discouragement of petty book-makers, who always form comparatively so large a class. Literary ardour is not so easily damped as we might at first suppose; and indeed, it may be remarked, that bad writers are generally discouraged with the most difficulty: and even a superior author is often found to defend, with the greatest degree of spirit and determination, the most deformed child of his genius. It is when they are labouring under an overwhelming load of censure, that we find writers most resolute, and most tenacious of their imagined rights. All that can be done by criticism, in most cases, is to elevate the standard of real excellence, to increase the number of those who come up to this standard, and, as we have just said, to improve the public taste. With this we finish our remarks upon the effects and importance of criticism. The inference which we would draw from them is simply this, that we may venture to express a candid opinion in regard to the publication, under the title of which we write, without fear of being judged either unpatriotic, or unconcerned in the encouragement of American literature.

But before proceeding we must ask another question. Not how Americans should be treated, but what is equally important, how much deference should be paid to a lady, in bringing her before the public, in the pages of a review? Even if we should escape the charge of wanting patriotism or prudence, may we not

be obnoxious to that of being deficient in gallantry, if any thing not strictly complimentary should escape? As "Ladies' Books," "Mothers' Magazines," and other similar periodicals, devoted to the "fair sex," are constantly making their appearance, we hope the day is not far distant, when a Ladies' Review, conducted by some favoured editress, supplied with matter principally or entirely by female critics, and having for its object the revision of the literary productions of the rapidly increasing sisterhood of American authoresses, will show its "illuminated" pages, and meet with proper encouragement. When that day arrives, it will no longer be necessary for the other sex to interfere; but until then we must endeavour, however lamely and ungallantly the task may be performed, to supply the deficiency.

Mrs. Sigourney is doubtless one of those whose "reputation is a part of the reputation of the country itself." Her poetical genius, in particular, has given her a high rank among American authors, and her countrymen have justly appreciated her merits. This, however, as it has before been said, renders it only the more necessary, that when arraigned at the critics' bar, she should be judged with strict impartiality. It should be remembered that *her* writings, with all their excellence, are not the standard of genius; and though many of them may have come fully up to the real standard, the possibility of partial and temporary, or even of entire and continued failure, is not thereby precluded. It may be thought from such an exordium, that we intend to express ourselves in terms of unmeasured severity and censure in regard to the volume, the title of which is placed at the head of these remarks. But we hasten to correct such an anticipation. Were we thus to express ourselves, *we* should feel, as many others undoubtedly would, that impartiality at least could not be our boast, though we had avoided that indulgent flattery, which we have before so much deprecated. There are certainly many things in this volume which do credit to the lady; but still, as a whole, we must think it unworthy of her former reputation; and though singly, it may have little effect upon her literary character, a few such publications must give the impression, not that Mrs. Sigourney is devoid of genius (for the contrary has been already satisfactorily established,) but that she manifests great inequality of genius. Our chief objection to this book is, that it ever was a book. A sweeping objection truly. But we proceed to explain ourselves. We certainly do not mean to say, that the tales of which it is composed should never have been made public. They would have suited very well the ephemeral pages of a newspaper, or of a miscellaneous magazine, where they would have made a less pretending appearance, would have been examined less critically, and would sooner have been forgotten. Here they might have pleased; and if high expectations had not been excited by

the name of the authoress, might have been read without disappointment. But when they assume the more permanent, we may add, the more imposing form of a separate volume, with the name of a favourite writer emblazoned upon its title, "*Sosiorum pumice mundus*," greater pretensions to merit are always supposed, and greater disappointment is the consequence of failure to excite interest. What, it may be asked, is it the cloth and boards of a binding, or the embellishment of a title-page, which excite expectation in regard to the literary character of a work? What can they have to do with any preconceived estimate of talent? Even a binding, or a title-page, speak to the public. They often tell the author's own opinion of the product of his labours; and if this author stands high in the esteem of any, with them *his* opinion passes for something, though it be in regard to his own work. When a writer chooses to embody his productions in a book, rather than to publish them in a more "fugitive" manner, does it not imply that he supposes they have sufficient merit to indemnify him for the additional trouble and expense of the undertaking, or that they are calculated to adorn the more conspicuous place which they will thus take among the publications of the day? It is true, that Mrs. Sigourney's work comes to us under the apparently unassuming name of "*Sketches*;" but even "*Sketches*" should be of sterling excellence, to merit this style of publication.

We will now speak more particularly of this volume, and endeavour, in the course of a brief "sketch" of its contents, to point out some of those faults which we have observed, and at the same time, as justice and impartiality require, to commend to notice whatever beauties it may contain; for we have already remarked, that it is not entirely devoid of merit. And first we may observe, that it is without advertisement, preface, or introduction. This of course is noticed, not as a defect of genius, but merely of judgment. To some it may appear too trifling to deserve mention; but certainly the usual practice of authors sanctions the opinion, that such an "*avant courier*" to a work is not without its uses. The object of an exordium, says the Roman orator, is "*Reddere auditores, benevolos, attentos, dociles*," and we think the same may be said of a preface: if so, its importance is obvious. We may also remark, that in a preface, the author seems to present himself more immediately to the reader. It is here that he is seen unshaded by his subject—a corporeal, instead of a mere imaginative or intellectual being.

But to proceed; these "*Sketches*" are six in number. The first is entitled "*The Father*," and its object is to portray paternal affection, "the love of a father for a daughter." The subject of this tale is uninteresting, because it is common-place, and there is not enough incident to feed the reader's imagination. The authoress seems here to have aimed rather at beauty of style, than

at a pleasingly invented narrative; and, indeed, taking this piece as a whole, more attention has apparently been paid to the mere composition, than in any of those which follow. In one respect, it may be said, that Mrs. Sigourney has succeeded; for certainly much of the sketch is beautiful as regards style simply. That it is so, we may show by a few quotations from this part of the book; and first, from the short introduction to the piece:

"But my present purpose is to delineate a single and simple principle of our nature—the most deeply rooted and holy—the *love of a father for a daughter*. My province has led me to analyze mankind; and in doing this, I have sometimes thrown their affections into the crucible. And the one of which I speak has come forth most pure, most free from drossy admixture. Even the earth that combines with it, is not like other earth. It is what the foot of a seraph might rest upon, and contract no pollution. With the love of our sons, ambition mixes its spirit, till it becomes a fiery essence. We anticipate great things for them—we covet honours—we goad them on in the race of glory; if they are victors, we too proudly exult—if vanquished, we are prostrate and in bitterness. Perhaps we detect in them the same latent perverseness, with which we have waged warfare in our own breasts, or some imbecility of purpose with which we have no affinity; and then, from the very nature of our love, an impatience is generated, which they have no power to sooth or we to control. A father loves his son as he loves himself—and in all selfishness there is a bias to disorder and pain. But his love for his daughter is different and more disinterested; possibly he believes that it is called forth by a being of a higher and better order. It is based on the integral and immutable principles of his nature." P. 10.

And again, after "the father," who himself speaks in this tale, has introduced to the reader his daughter, as one "beautiful in infancy, to whom every year added some new charm to awaken admiration or to rivet love;" after he has spoken of his own unceasing labours to cultivate and adorn this beloved, this idolized daughter's intellect, and of the success which attended his exertions; after he has dwelt with fondness upon her symmetry of form, her grace of manner, and her filial piety, he adds:

"Sometimes, the turmoil and fluctuation of the world threw a shade of dejection over me; then it was her pride to smooth my brow and to restore its smile. Once a sorrow of no common order had fallen upon me; it rankled in my breast like a dagger's point; I came to my house, but I shunned all its inmates; I threw myself down in solitude, that I might wrestle alone with my fate and subdue it. A light footstep approached, but I heeded it not. A form of beauty was on the sofa by my side, but I regarded it not. Then my hand was softly clasped, breathed upon—pressed to ruby lips. It was enough. I took my daughter in my arms, and my sorrow vanished. Had she essayed the hackneyed expressions of sympathy, or even the usual epithets of endearment, I might have desired her to leave my presence. Had she uttered only a single word, it would have been too much, so wounded was my spirit within me. But the deed, the very poetry of tenderness, breathing, not speaking, melted 'the winter of my discontent.' Ever was she endued with that most exquisite of woman's perfections, a knowledge both *when* to be silent, and *where* to speak—and *so* to speak, that the frosts might dissolve from around the heart she loved, and its discords be tuned to harmony." P. 13, 14.

But notwithstanding the beauty of the style, Mrs. Sigourney has undoubtedly failed to give a deep absorbing interest to her tale; which, we think, may be attributed to the fact, that mere beauty of composition, unless that beauty be of the highest order,

cannot compensate for poverty of invention, and the want of an interesting subject. And, after all, her's is often rather a beauty of words and figures, than of originality and thought. Such at least is the impression which we have received; and we think that any one, after rising from the perusal of this story, will agree with us in saying, that it is destitute of the power to interest the feelings, (that is, in any high degree,) to excite the imagination, or even to rivet the attention. It will be remembered, that all our remarks apply to this work only, not to any of her former or subsequent productions.

But to continue: the father, blessed as he imagines with all that can be desired in the possession of such a daughter, "challenges"—to use his own words—"challenges the whole earth to add another drop to his felicity." But he is soon roused from the delusive slumber, in which he dreams of perfect happiness, to the dreadful consciousness of misery. The gift, which heaven has bestowed upon him, wants that permanency which alone can render lasting his happiness. The idol, with all her perfections, is not exempted from the common lot of mortality. In a word, his daughter dies; "the Corinthian capital that he had erected and adorned," crumbles and moulders in the dust. But by this unexpected, this overwhelming calamity, the father is not at once prostrated. While his heart is withered by the blast, the fountains of his eyes remain closely sealed: he is denied the wretched consolation of tears; and in the presence of others, a supernatural energy seems to support him: he "is like Mount Atlas, bearing unmoved the stormy heavens upon his shoulders." It is when in solitude alone that he mourns. "Every night he goes to his daughter's grave; he lays himself down there, in unutterable bitterness," but still "he weeps not."

"I have implied (he says) that my intellect faltered. Yet every morning I went to the scene of my labours. I put my shoulder to the wheel, caring not though it crushed me. I looked at men fixedly and haughtily with my red eyeballs. But I spoke no word to betray the flame feeding at my vitals. The heart-strings shrivelled and broke before it, yet the martyrdom was in silence.

"Again, night drew her sable curtain, and I sought my daughter's grave. Methought its turf covering was discomposed, and some half-rooted shrubs that shuddered and drooped when placed in that drear assemblage of the dead, had been trampled and broken. A horrible suspicion took possession of my mind. I rushed to the house of the sexton—'Has any one troubled my daughter's grave?' Alarmed at my vehemence, he remained speechless and irresolute.

"'Tell me,' I exclaimed, in a voice of terror, 'who has disturbed my daughter's grave?' He evaded my adjuration, and murmured something about an injunction to secrecy. With the grasp of a maniac, I bore him to an inner apartment, and bade him satisfy my question. Trembling at my violence, he confessed that the grave had been watched for ten nights.

"'Who has watched my daughter's grave?' Reluctantly he gave me the names of those friends—names for ever graven upon my soul.

"And so, for these ten long wintry nights, so dreary and interminable, which I had cast away amid the tossings of profitless, delirious, despairing sorrow, they had been watching, that the repose of that unsullied clay might remain unbroken.

"A new tide of emotion was awakened. I threw myself down as powerless as the weaned infant. Torrents of tears flowed. The tenderness of man wrought what the severity of heaven had failed to produce. It was not the earthquake, nor the thunder, nor the tempest, that subdued me. It was the still small voice."—P. 19, 20.

It is here, we think, in the sequel, that Mrs. Sigourney has most completely and obviously failed. Her hero is brought into a serious difficulty, and must in some way be relieved. Tears must be *made* to flow, since they do not appear voluntarily. She has, indeed, succeeded in accomplishing the object, but in a very unnatural and awkward manner. This last incident has the appearance of being "*trop recherché*," of arising out of the necessity rather than out of the subject. It is natural enough that the father should be alarmed and horror-struck at the idea that his daughter's remains had been disturbed; that the sanctity of the tomb—the tomb of one so beloved—had been violated; but that the friends who with care watched the grave, to guard it from desecration, should unheedingly have discomposed the sods which covered it, and broken the surrounding shrubs, as seems to be implied; or that the knowledge of their nightly vigil should produce such an overpowering effect upon the father, are circumstances which appear forced and unnatural. The reader, too, is at first as confident of an untimely resurrection, as the father himself; but in the case of the former, disappointment instead of relief is the consequence of the subsequent disclosure. We know that the reader's expectations should not always be regarded, but when they are disappointed, this disappointment should be an agreeable one. The issue should be more interesting, more stirring than he had anticipated; or at least should not fall short of such anticipations. We would not be understood as advocating the introduction of such a catastrophe as the violation of the daughter's grave in this place; we only pretend to point out the fault, not to suggest what would have been a proper expedient for accomplishing the end, which the authoress appears to have had in view.

Though we have already spent more time upon the first of these Sketches than we intended, we must yet be indulged in a few further remarks. In saying that it is here the authoress has most completely failed, we would be understood as speaking only of the literary character of the tale; and nothing else have we as yet considered. But we think a more serious charge may be brought against "*The Father*," than any mere literary consideration would warrant. A London periodical work, in noticing this volume, says,

"Mrs. Sigourney is the Mrs. Trimmer of the United States, and her labours for the moral guidance of youth, and indeed the instruction of all ages, have raised her to deserved and distinguished popularity. We are, therefore, glad to see this volume, containing

six of her most characteristic tales, among our English publications. It will do good wherever it is read."

This can hardly be considered as any thing more than a book-seller's puff. It would, we think, be somewhat difficult to determine the exact points in which our authoress resembles Mrs. Trimmer; but without racking our brains to discover such resemblance, we would pass to the inquiry, whether this book be so eminently adapted to "the moral guidance of youth," or "to do good wherever it is read," as is here stated. What is the moral conveyed in the sketch which we have just analyzed; or rather, is there *any* moral inculcated? It is customary for authors to represent their principal characters, and especially their heroines, in a highly exaggerated manner; but neither this custom, which of course will not warrant an unbounded license, nor the force and tenderness of a father's love, is sufficient to justify the extravagant and absurd description given of the natural endowments and artificial accomplishments of the daughter. Had she been a very angel, her character could scarcely have been depicted in brighter colours. She is represented as "early surpassing her cotemporaries," as possessed of no common powers of mind, as "gifted with intuitive eloquence," as "bearing the palm of female grace and loveliness," as "evincing a dignity surpassing her sex," as "in symmetry restoring the image of the Medicean Venus," as "the object of every eye, the theme of every tongue," and withal, entirely free from the least shade of vanity, that almost universal failing; in short, perfection, both of body and mind, are attributed to this highly favoured mortal. But again; "the love of a father for a daughter" is characterized as the "most deeply rooted and holy principle of our nature." And is this paternal love, as described by Mrs. Sigourney? Nothing short of adoration, of idolatry. The reader is led to believe that a picture of natural and commendable affection is exhibited, while, in fact, that which meets his eye, is an exhibition of morbid, irrational, and blameable devotion; a devotion which blinds to the imperfections of its object, and excludes all else that is worthy of love. "The father" has a wife, but she is scarcely mentioned in the course of the narrative. We might imagine that she had no place in her husband's affections, but that they were entirely centered upon the daughter, and radiated not beyond the influence of her endearments. It may be said, that the intention of the authoress was to portray paternal love only, and that it was therefore unnecessary to dwell upon his tender attachment to his wife, even if such attachment existed. But allowing that there was no such necessity, surely his adoration of the daughter should not be described as so absorbing, as to preclude the possibility that any other could be equally beloved. What could have been the depth of his affection for the mother, when the child was his support under affliction, his "comforter," his "idol;" when the latter

was, in his view, the chief ornament of the domestic circle, the source of all his happiness; insomuch, that when relieved from the cares and business of the day, when the time was come to seek repose and pleasure in the endearments of domestic life, it was with thoughts of her, whom he calls "his morning and evening star," that he "quickened his homeward step." Even in the house of God, he "gazed upon his glorious creature," while "tears of thrilling exultation moistened his eyes," and "his whole soul overflowed with a father's pride." And such love as this is "*the most holy principle of our nature.*" When death has removed his idol, we might imagine, from the nature of his grief, that she was the last object of earthly affection; that no one was left who could in the least supply her place. The father "returns to his *desolated* abode;" "*desolated,*" although a wife, who should be his consolation, if he still felt the tender influence of his first love, yet survives. In conclusion, we would ask, what good effect can possibly be produced, upon our moral and social feelings, by the perusal of a tale, which represents the grossest idolatry as the purest and most heavenly affection?

The "Legend of Oxford," the next sketch in order, is written in a much more simple, and apparently unlaboured style, than the former; which is, indeed, an almost necessary consequence of its being more historical, or narrative, in its character. Oxford, a small town in Massachusetts,—"*originally,*" as the authoress tells us, "a colony of French Protestants," who were driven from France by the persecutions attendant on the revocation of the edict of Nantes,—is the scene of the narrative, which comprises the relation of three distinct occurrences in the history of this town. It commences with its first settlement, and carries on the reader, through a period of a few years, to the time when the Huguenots were obliged, on account of savage cruelties, to desert it, and take refuge in the neighbouring colony of Boston. These emigrants, after their arrival in Massachusetts, fix upon a spot in Worcester county as a residence, and give the name of Oxford to this new settlement. But before a single year has elapsed, they are threatened with destruction by a numerous band of Indians, who intercept their path, as they are returning from rural labour, in a field at some distance from their houses, and are just about to commence the attack, when a mysterious personage suddenly appears, and drives, with unresisted authority, the terrified savages from the field, thus rescuing the colonists from the impending danger. One of their number, who, unknown to his companions, had been seized by the Indians and dragged off into the forest, is also delivered from his captors by the intervention of the same personage. He, after a time, is discovered to have been one of the regicide judges, who had taken refuge in America. A few years of quiet and immunity from savage aggression succeed this occur-

rence, when the settlers are again made aware of their perilous situation, by the sudden disappearance of two children, who are supposed to have been carried off by the natives. The agonized parent, and Father Daillé, the pastor of this little flock, immediately set out to discover whether the supposition be correct, and if so, to demand the restoration of the captives. Their mission is successful. The Indian monarch, who had before been kindly entertained by the colonists, delivers into their hands the lost ones, although opposed by the "ancient prophet, greatly revered" by the people. Another calm followed this short though threatening storm. The good will of the king secured to the colonists a temporary protection from the cruelties of the subject; and thus freed from apprehension of immediate danger, their thoughts were turned toward the comforts of social and domestic life, and particularly toward the education of the young. There is one sentiment in regard to the subject of education, so beautiful in itself, and moreover so well expressed by Mrs. Sigourney, that we cannot refrain from inserting it in this place. It is as follows:

"Parents, who write with their own pencils, lines of heaven upon the fresh tablet of their children's souls, who trust not to the hand of hirelings, their first, holiest, indelible impressions, will usually find less than others to blot out, when the scroll is finished, and to mourn for when they read it in eternity." What a comment upon those systems of hireling instruction for the infant mind, so prevalent in our own and other countries!"

The third occurrence which the authoress relates, is more disastrous to the emigrants. While at work in a newly cleared portion of their land, they are alarmed by the sudden firing of muskets in the direction of their habitations; and on hurrying thither, the awful sight of a whole family, father, mother, and children, weltering in blood, meets their eyes. After a fruitless pursuit of the savage murderers, during which they hear of the death of the friendly king, who had fallen under the weapons of his own discontented tribe, the colonists assemble for consultation, and determine to remove immediately beyond the reach of danger. The next day, which chanced to be the "fourteenth anniversary of their colonial existence," was set apart for the burial of the dead. At the graves of these unfortunate victims, the venerable pastor's voice was raised in consolation to the survivors, and in a mournful valedictory to surrounding scenes. "They turned from the place of sepulchres, and the next sun saw their simple habitations desolate." Removing to Boston, they there took up their residence, and soon became completely incorporated with the other inhabitants. The authoress gives a few "statistical facts" in relation to this band of Huguenots, thus doubly exiles, and the sketch ends.

We may remark, generally, in regard to this tale or legend, that it is much more interesting than the preceding: but still it has

only a negative excellence—a freedom from great faults, rather than any positive recommendation. In short, we think it has few, if any, of those qualities which would evidence superiority of talent in the authoress. It may be well to notice a single error, into which we think she has fallen, although it may not be one that is very important, or even very apparent. The principal features in the character of our North American Indians are perhaps more bold and striking than those of almost any other race of people. Some persons might therefore imagine, that these distinctive characteristics could be more easily delineated, in a vivid and faithful manner, than if they were less strongly marked. But as the most sublime and beautiful objects are ever the most difficult to present, with lively force and truth, to the mind, so the most striking features of human character require commensurate abilities to portray them in a proper manner. The American Indians have been celebrated for their native powers of oratory. The principal, we may say the distinguishing traits of this eloquence, so far as concerns matter, were a luxuriant richness in figure, strength of conception and expression, and joined to these qualities, a simplicity which marked the unaided hand of nature. We will adduce a specimen of Mrs. Sigourney's attempted copy of this bold original, and then endeavour to determine how far she has given a faithful representation. The example which we extract, is the speech of the enraged prophet, counselling the death of Laurens, who, as we before mentioned, was seized by the natives, but saved by the interposition of the regicide judge.

“Thou art deceived, son of Philip!” answered the Prophet. “They are moles, mining around thine habitation. Their path is in silence and in darkness, and thy heart is simple as the babe. Ere thou art aware, thou shalt struggle like the fish in the net, and who can deliver thee? The crested snake cometh forth boldly, and the poisonous adder worketh her way beneath the matted grass. Are they not both the offspring of the deadly serpent? This man, and his brethren, and they who have long slaughtered us, are all of one race. They are but the white foam of that ocean, which the Great Spirit hath troubled in his wrath. *Art thou, the son of Philip*, standing still, till its billows sweep thee and thy nation away? That lion-hearted monarch was not so. Rivers of blood flowed before him in battle. Even now, his soul is angry at the sight of white men. Last night, in visions, it stood beside me. Its brow was like thine, O King, but frowns of vengeance made it terrible. His eye was dark like thine, but the lightning of the brave made its glance awful. His voice was hoarse and hollow, as if it rose from the sepulchre. Ice entered into my blood, as its tones smote my ear. “I cannot rest,” it said, “white men multiply, and become as the stars of heaven. My people fade away like the mist, when the sun ariseth. On their own land, they have become strangers. My son hideth, with the remnant of his tribe, in the borders of another nation. *They call him king*. Why doth he not dare to set his feet where his father's throne stood? I see cities there, and temples to a God whom our fathers knew not. Our canoes ride no longer on the tide of the Narragansett. Proud sails are there, whiter than the curl of its waters. Doth the son of Philip sleep? Tell him, if he be a king, to write it in blood, on the grave where my bones moulder. Tell him, if he be my son, to sheath his spear in the breast of every white man, till the soul of his father is satisfied.” The spirit vanished, and the blackness of midnight glowed like a gush of blood. I have spoken its message unto thee, king of a perishing race. Yonder is a victim, provided by the Great Spirit. Bid it sooth the sorrowing shade of thy father.”

Here are certainly joined two of the qualities which we have mentioned, viz. richness in figure, and force of thought; but it strikes us that the language is too refined and elegant, and would be better suited to the educated orator than to the savage warrior. It is, then, in point of simplicity that we think the style defective, and the more so, because the example which we have given does not purport to be a mere translation, but the very words of the Indians, who speak in English, a language by them imperfectly understood, or at least newly acquired. Some may think this a hyper-criticism, and certainly the error pointed out is not one of moment. In most other respects, we have been pleased with the delineation of Indian character contained in this volume.

We have said that the "Legend of Oxford" is much more interesting than the sketch which precedes it; and the next, entitled the "Family Portraits," is, in most respects, a manifest improvement upon both. We have heard it called "a foolish love story;" but be this as it may, there are few, we imagine, who would not join with us in saying, that it possesses greater literary merit, and is more entertaining, than any other part of the volume. This opinion, to be sure, is merely relative; and after what has already been said in regard to the preceding pieces, may not be considered as, of itself, a very flattering recommendation; nor do we intend it as such. It has already been remarked, that, in our view, Mrs. Sigourney has not done justice to herself in this volume, and the same may be said in regard to each tale, considered as a whole; though in the one now before us, while there are great faults, there are also some good qualities, and these more worthy of attention than any we have yet noticed. The episode upon "Inoculation for the Small-pox," which is introduced near the commencement of the sketch, might we think have been dispensed with, since it is not one of Sterne's "digressions," contributing at the same time to the "progression" of the tale.

A few words will suffice to give a general outline of this sketch. Dr. Ranchon, a French physician, having married clandestinely in his native country, had taken refuge, together with his wife and her brother, Edward Beauchamp, in the new world. After a residence of a few years in Boston, the wife gave birth to a daughter, and died. This child was, of course, the object of its bereaved parent's peculiar care and affection. When arrived at a proper age, she was sent as a day scholar to a boarding school, where, among other branches of instruction, she was soon initiated by her elder companions into the deep, mystic lore of love. She even went so far as to permit the secret addresses of a professing admirer, one Captain Patten, an Irishman, of whom however she knew little more than the name. As her father was bent on her marrying a Frenchman, she feared to divulge the secret of her rash affection, and at last, urged by her pretended lover, and

pressed by the continual solicitations of her maid Madelaine, who pleaded her father's example, she reluctantly consented to an elopement. A night when her uncle, whose penetration she most feared, had left home, was fixed upon for the opening of the drama. It may not be amiss to insert Mrs. Sigourney's own description of this scene.

"As they reached the landing-place, they heard a gentle tap at the glass door which led into the garden. It was the black servant, come to see if all was ready, and to convey the package to the carriage, which waited at the avenue passing the foot of the garden. He was admitted, and Madelaine ran hastily to the chamber of her mistress, for the clothes which had been prepared. At her return, she saw him setting down a champaign glass, which, having stood near a bottle upon a table in the recess, he could not resist the temptation of filling, and decanting through his lips. The moment she observed him, forgetting her own reiterated injunctions of breathless silence, she shrieked——

"*'Mon Dieu!* the black whale has swallowed all my rings!—the ruby—the beautiful emerald—and the turquoise that was given by——Oh, Lord!—and the superb hair-locket too! Did'nt that stick in your throat, you insatiable hawk?"

"The bereaved waiting-woman had thrown her jewelry, *en passant*, into this casual place of deposit, that her hands might be more at liberty in packing for her mistress; for since the access of years had rendered them somewhat more lean and skinny, the ornaments of her buxom youth were in continual danger of escaping from her attenuated fingers, when summoned to any active duty. Her distress at the rifling of her most beloved treasures, quite annihilated the unities of time and place, and her first shriek was passionately loud. But she had scarcely a moment to compute the probabilities of the extent of its echo, ere the door from the dining-room burst open, and Dr. Ranchon appeared in his night-dress, advancing a long rusty rapier. Suddenly awakening, and anticipating no enemy but thieves, he armed himself with great despatch, and stood forth a formidable antagonist, with great personal strength and equal courage. Great was his astonishment to find his daughter arrayed as for an expedition, and fainting in the arms of Madelaine. The negro, profiting by the moment of consternation, dropped the package and vanished.

"*'What, in God's name, is the meaning of all this?'* exclaimed the hoarse, harsh voice of the old gentleman, raised to its upper tones.

"*'Oh! take her in your arms—support her, my dear master, till I run for some hartshorn, or she'll die,'* screamed the waiting-maid, anxious to turn his attention to an object that would disarm his rage, and still more anxious to convey her own person out of reach of the rapier. She soon saw him engaged in loosing the ligatures of his daughter's dress, and too much occupied with her situation, to inquire the cause. Carefully measuring her distance, so as to be out of range of the weapon, she commenced a plea of defence, forgetful of the impatience which a moment before she had testified, to obtain some remedy for her fainting lady.

"*'Oh! that I had never seen this night,'* she cried, sobbing. *'Thousands of times have I tried to dissuade her from leaving her poor dear father. Hours without number have I set before her the deadly sin of an elopement.'*

"*'Who told you 'twas such a deadly sin, you meddling Jezebel?'* vociferated the father.

* * * * *

"This colloquy, or rather soliloquy, was terminated by Beauchamp, who rushed in at the garden door, and as Mary feebly retired with Dubelde, still in a state of doubtful consciousness, he exclaimed——

"*'Clumsily executed, by the gods! This same elopement is a true Irishman's bull. A carriage in full view, beneath a full moon, scarcely a stone's throw from the house—a tattling chambermaid for confidante and mistress of ceremonies, and a devilish negro despatched to receive the dulcinea. This bog-trotter is either a fool, or desirous of being discovered.'*" Pp. 118—122.

Beauchamp, instead of being absent from town, as his niece imagined, had stationed himself in the garden, for the purpose of frustrating a scheme which, from several circumstances, he had been led confidently to expect; but "finding that an underplot was accidentally got up in the house, he had varied the last act of the drama," by attacking the Irish lover, who immediately taking to his heels, had dropped in the hurry of flight his cloak and pocket-book. In the latter was found a scarcely legible fragment of a letter, from — his wife, in Ireland—he was already married. Mary Ranchon, whose youthful passions were somewhat tempered by this occurrence, was afterwards joined to a Huguenot, the object if not of her "first love," yet of the "perfection of love."

The characters in this tale are, for the most part, well sustained. The waiting-maid, it is true, sometimes uses language not altogether maid-like, but this is not a very material failing. We have noticed here, as well as in the preceding sketches, a few errors of expression, but they are of so much less consequence than others which we have pointed out, that we have thought them scarcely worth mention. We would only remark, what we suppose to be a typographical fault, viz. that a large number of the French words made use of, are either mis-spelt or wrongly accented.

Of the remaining three tales we shall speak very briefly. They are less interesting than those which we have particularly examined. "*Oriana*," it is true, presents some beauties of style, and some originality of subject; but more than this can scarcely be said in commendation. As to "*The Intemperate*," and "*The Patriarch*," we cannot account for their publication in this place, unless the object were to add a few more pages to the volume; they are certainly altogether unworthy of the authoress. We observe, in conclusion of these remarks, that the opinion which we have given in regard to the work under consideration, is at least candid, though some may be disposed to think it severe. If we are not mistaken, this book has already passed through three editions, for which fact, we must confess, we are unable to account, unless Mrs. Sigourney's name, on the outside of the volume, has tended to strengthen the impression produced by the contents.

ART. VI.—*Memoir of Tristram Burges; with Selections from his Speeches and Occasional Writings.* By HENRY L. BOWEN. Providence: 1835.

IT is too well established and self-evident a proposition, that popular governments are alone auspicious to the cultivation of the art of public speaking, to require any comment or stress. At the same time it is unquestionable, that the condition of the free states of antiquity was more conducive to its highest excellence, than that of similar nations in modern days; and that the former were illustrated by more glorious efforts of eloquence, however their pre-eminence in other respects may be disputed, is a fact almost universally admitted. Milton and Tasso may stand undismayed in the presence of Homer and Virgil; Shakspeare may even command homage from Æschylus, and Euripides, and Sophocles, and Aristophanes; Hume, Robertson, and Gibbon, may be placed by the side of Thucydides, Livy, and Tacitus; the halo around the brows of Cæsar is not so dazzling as that which encircles the head of Napoleon; and the laurels which cluster about the memory of Epaminondas or Cincinnatus fade before the immortal verdure of those of our own Washington; but as yet the names of Demosthenes and of Cicero remain apart in unrivalled splendour—stars of unequalled magnitude and effulgence in the firmament. None can contend with them for the palm of the loftiest species of oratory; not because the native power has been wanting to rise to their elevation, but because means of equal efficacy have not been afforded in furtherance of its exertions. The plant may have possessed as vigorous a root, but the dews have not been as refreshing—the sun has not been as genial.

The main cause of this circumstance is the pre-eminence which was assigned in ancient times to eloquence over every other pursuit. Not only did it open the sole civil road to political preferments and honours, but it was deemed the noblest achievement of human genius, and imparted the most enviable and glorious fame to him whose devotion to it was signalized by the greatest success. Emulation here was excited to the utmost pitch, for, if we may use the homely language of honest Sancho, both “pudding and praise” were the sure rewards of it alone. The tongue was the sceptre with which Pericles swayed the destinies of his country, exhibiting an intellectual dominion over freemen more sublime, as has justly been observed, than any which the proudest despot ever exerted over his slaves; and when Demosthenes spoke, all Greece crowded to hear him. Every other study, accordingly, was more or less subservient to that of eloquence. All other attainments both, in literature and philosophy, were valued mostly as the means of reaching perfection in the

master art. By its aid alone could they be rendered available to the full extent of ambition. Through it alone could the mass be universally influenced. The press was not then at hand to lend its assistance in disseminating throughout the community the thoughts and the feelings of every one who chose to record them on paper. Written literature had little or no bearing upon the public. Manuscripts must have been too costly to be possessed in any material degree by the poorer classes of the state, who then formed its controlling power. The outpourings of the mind were thus forced into the channel of eloquence, which, swollen by all the tributary streams that gushed from the common source, rolled along in a current, "deep, majestic, full, and strong," fertilizing and vivifying the soil over which it now flowed, now rushed—although at times also, it must be acknowledged, bursting its proper barriers, and causing wide-spread devastation and ruin.

To the press, undoubtedly, is the decline of the estimation and the perfection of eloquence to be in some measure ascribed. The facilities which it affords for the diffusion of ideas, and operating upon the public mind at large, in every variety of mode, necessarily affects the value of public speaking, as far as those objects are concerned. A discourse can be heard by those alone who are assembled at the spot where it is pronounced—a volume may be read simultaneously throughout the civilized world. At the same time, this circumstance has materially conduced to the formation of audiences very different from those of antiquity; and the predominant influence of the character of the audience upon that of the speaker, has been testified by both Demosthenes and Cicero themselves. What a contrast, indeed, between the assemblies that hung upon the accents of those almost inspired men, and the congregations to whom the words of modern orators are addressed! The public harangues, with the exception of the drama, were the only intellectual food upon which the people could gratify their craving after knowledge—a prominent trait in the character, at least of the Athenians. To their assemblies they flocked with eagerness, not because it was a matter of duty or necessity, but because they were there provided with a repast in which they took the highest delight. As they frequented them for the purpose of receiving information, their minds were open to every word of the orator, by which the most potent stimulus at the moment was given to his efforts—the probability of accomplishing the immediate object in view, that of infusing his own soul into his audience, and directing them at will. By the constant habit, also, of listening, *con amore*, to speeches, they had rendered themselves peculiarly alive to the beauties of eloquence, so as to be almost entitled to the appellation of assemblages of trained critics; the consequence of which was, that they could only be addressed

in polished and elegant phrase. Vulgarity of style would have fared no better at their hands, than it would fare at the present day, with an audience composed of Edinburgh reviewers, collected for the very purpose of criticism. The orator had to do with ears which Cicero terms *teretes et religiosas*; and however pointed the anecdote may be, of Phocion's asking what foolish thing he had said when his auditors applauded, it is not equally calculated to convey a just idea. If nonsense could only have elicited the applause of the Athenians, Demosthenes and Æschines would certainly not have been their favourite orators; and Phocion himself would have disdained to speak to them, or at least have endeavoured to utter more foolish things than he did.

Such was the description of persons for whom Demosthenes poured forth his breathing thoughts and burning words; and such, to a certain extent, were those to whom Tully discoursed *ore rotundo*. But what now, we may ask with Marmontel, "What now, in these modern times, are the functions and the sphere of popular eloquence? Where is the country in which, when a question is to be agitated of peace or war, or the election of a magistrate, or the choice of a general for the army, a citizen may exercise the right which he possessed at Rome, of asking an audience of the people, and giving his opinion? Where is the city in which, on the occasion of every public and important event, the senate and the people are assembled as at Athens; or where the tribune is open to any one who chooses to ascend it, and where a crier is heard demanding with a loud voice, 'what citizen above fifty years of age wishes to harangue the people, and what other citizens wish to speak in their turn?'" No such inspiring circumstances now-a-days. The very aspect of the most important of our modern audiences is enough to chill the genial current of a speaker's soul in the very outset. It requires almost as much fortitude as the old poet deemed indispensable for the man who first dared to encounter the perils of the main, to bear up against the dispiriting influence of the spectacle presented by a legislative assemblage, in this happy land especially. It is much worse in the United States than in England, for there, if an orator is permitted to proceed for awhile in his discourse, he may enjoy the consolatory reflection, that at all events he is not a very great bore, or else he would have been coughed down; and every now and then, perhaps, a cheer from some quarter of the House may inspire the fond hope that he is not altogether wasting the sweetness of his eloquence. But in our rendezvous of talkers, commonly called Congress, when a speaker sees his audience engaged in every other way than listening to his accents; when he beholds a portion in one direction amusing themselves in familiar converse, others conning over newspapers or books, and the rest inditing epistles, or packing up and sending reports and divers other par-

liamentary documents to their constituents; when he surveys such a scene as this, what doggedness of resolution, what fondness for hearing the music of his own voice, are not requisite to enable him to prosecute his oratorical journey to the end? These indeed would scarcely be sufficient for the purpose, were there not another stimulus by which his tongue and his patience are rendered inexhaustible—the reflection, that although his words are falling lifeless upon the ears of his ostensible audience, they will be heard and devoured by other and real auditors in that *angulus terræ*, dearer to him than all the rest of the world, that chosen spot where all his hopes are centered—the district in which dwell his constituents. It is to them that the speech is addressed, as much as to the surrounding crowd; and we ask, what can be more prejudicial to genuine eloquence than such a state of things? How can a speaker achieve the highest triumph of eloquence, the persuasion of his hearers, when his mind is distracted between two sets of auditors, of a very different character, who are to be operated upon in very different modes? The one is to be affected by the spoken, the other by the written discourse; the first fatigued by a perpetual recurrence of words of mouth, involved in a multiplicity of business, careless or restless, with their minds already complacently made up about the matter in discussion, and not to be changed but by super-human efforts, and desiring brevity in the extreme; the other, reading for the most part scarcely any other discourses than those of its representative, doing this at leisure and with the kindest feelings towards the author, better satisfied the more he gives them, and not at all exorbitant with regard to cogency of logic or beauty of rhetoric. To adapt a discourse to both is impossible.

The main reason, however, why eloquence does not reach its highest elevation in the United States, where so ample a theatre is provided for its efforts, is the want of due training and cultivation in its professors. When we advert to the assiduous manner in which the ancient orators prepared themselves for their function; the knowledge which they deemed it indispensable to possess for its adequate exercise; the private practice of declaiming to which they resorted, before venturing upon a public harangue; the intellectual armour, in short, in which they had encased themselves, and the dexterity they had acquired in the management of their oratorical weapons, previous to entering the lists, so as to be equally prepared for attack or defence—when we contemplate Demosthenes at midnight, in his solitary cave, forging, if we may so speak, those thunderbolts which were to “fulmine o’er Greece” and the world; or, with a pebble in his mouth, to overcome a physical defect, haranguing on the sea-side the boisterous waves, fit emblems of those popular billows which he was afterwards to agitate from their inmost depths, and control with a trident as

powerful as that of Neptune, and to whose turbulence he was thus habituating himself by anticipation—when we see Cicero, after years of indefatigable study at home, repairing to Greece to imbibe at the fountain-head the knowledge which he coveted, and so employing himself there as to excite the sorrow of his Attic preceptor, by the evidence which he afforded that on his return he would complete the Roman triumph, by robbing her prostrate rival of even her intellectual pre-eminence—when we reflect upon all this, and regard the mode in which our speakers of the present day qualify themselves for the functions which they attempt to discharge, we cannot be surprised at the difference which strikes us, between the eloquence of the ancient and modern republics.

The greatest British orators, likewise, have all been among the first scholars of their day. Chatham, Pitt, Burke, Fox, Sheridan, Erskine, Wyndham, Canning, Mackintosh, were all men of whose attainments any university might be proud—minds of the most refined and comprehensive culture. The same may be said of the living speakers in Parliament of the highest eminence; Grey, Brougham, Peel, Burdett, Stanley, Macauley, Grant—to all of them the ample page of knowledge, filled with the richest spoils of time, had been unfolded, before they presumed to communicate instruction.

We suppose it would be supererogation to attempt to prove that this discipline, of which we have spoken, is indispensable for the attainment of excellence in eloquence, as in every thing else; and that he who possesses the fullest and best arranged mind in general, will be most able to give due effect to “that art or talent by which a discourse is adapted to its end.” When Horace observed that

“Cui lecta, &c.
Nec facundia, &c.”

he did not mean that a mere exclusive study of a particular theme is sufficient for the effects which he describes, but that they would be the results of a *powerful* knowledge of it—in other words, a mastery of it in all its bearings. And this cannot be obtained by the former species of study. So nicely linked are the various branches of human knowledge, that he who contents himself with such a practice, will possess but a very superficial and partial acquaintance with his subject, and may often run the risk of being “shipwrecked in the very harbour.” It was on this account that the ancient writers on eloquence, judging from the examples which they had before their eyes, insisted upon that almost impossible combination for the accomplishment of a consummate orator, which it would seem to demand as much of intellectual force to effect, as would be required of physical power to hurl the rock of Diomed, of which, now-a-days, “not two strong men the enormous weight could raise.” But because all cannot be achieved,

that is no reason why a great deal may not be done. Perfection can be approached, if not attained.

As to the cry about *natural* eloquence, so pertinaciously raised by those who would shield their own indolence and deficiencies by degrading the rest of the world to their level, it is unfortunately too certain that the nature of man is as likely to lead him astray, intellectually as morally—that the original sin with which he is born is as operative upon his mind as his soul—and that he might as well hope to reach the summit of virtue by journeying along the broad and flowery path which leads to destruction, in pursuance of the impulse of nature, as to climb to the heights of art by listless sauntering in the groves around the castle of indolence. It may, doubtless, happen occasionally, that in the same way as once in a million of cases a person ignorant of swimming, who falls into deep water, may contrive, in the desperation of the moment, to keep his head above the element, the better energies of nature, strongly aroused, may unassisted accomplish in eloquence the utmost that can be done; but, as a general rule, uncultivated nature is much more prone to put ridiculous than sublime expressions into the mouth. We are accustomed to talk very enthusiastically about the eloquence of our “children of the forest,” and would fain elevate it even above that which opposed a barrier more formidable to the ambition of Philip, than the united arms of Greece; but strip it of the illusions with which it presents itself to our minds, of its associations with the courage, the fortitude, the elevation of soul, and so forth, with which we love to invest the Indian; of its novel and indefinite phraseology and style, and we shall have just what might be expected—what may be very well suited to children in intellect, but little to which maturity can hearken with satisfaction. It is only by *élans*, by starts, that nature is eloquent, when vehemently excited by absorbing interests or passions—as when, if we may quote instances, a captain of the first caliphs, seeing his soldiers flying, cried out, “where are you running? the enemy are not there!”—or when Rafi, another moslem leader in the time of Mahomet, perceiving the Arabs in a state of affright because their general, Dérrar, was killed, exclaimed, “what matters it if Dérrar be killed? God is living and beholds you; march!”—or when the English sailor, who was the cause of the war of 1740, between England and Spain, having been mutilated by the Spaniards, and threatened with death, said, “I recommend my soul to God, and my revenge to my country.” In such cases nature is the same in both the cultivated and the uncultivated—in both it then bursts forth in flashes of dazzling effulgence—but in the latter, these only render visible the darkness amid which they coruscate for a moment, whilst in the former they impart splendour and glory to light.

It seems to be the general opinion in the United States, that

fluency, the power of uttering without hesitation an indefinite quantity of words upon any and every subject, no matter what their import, is the grand ingredient of eloquence; and were it so, there could be little question as to our title to the palm. In respect to natural glibness, and facility of speech-making, we certainly are a very remarkable people. What village is there in the land, which is not amply provided with its spouters—what stump that languishes for its declamatory occupant? Where else, in what age or clime, have there been congregated such multitudes of “word-grinders” as our legislatures present, any one of whom almost could “spin a thousand such a-day” as the speeches delivered in the British parliament, as far as length is concerned? What true-blooded American is there who cannot make use of his tongue *pro bono publico*, whenever occasion requires? No one who has been in England could have failed to remark the superiority of the daughter over the mother in this respect. Whatever may be the reason, it is certain that few of the M. P.’s can express themselves extemporaneously without a degree of hesitation productive of the most uncomfortable effect upon the nerves of their hearers, whilst scarcely an individual in our Congress is unable to pour forth at the instant, a speech of learned length and thundering sound, with an elocution as rapid as if he had enjoyed the three days of previous reflection which Moliere’s Marquis required for his *improvisations*. “If ours are *stump* orators,” said an indignant Yankee to an Englishman who had so denominated them in derision, “there is only this difference between them and yours, that yours are always *stumped*.” We were really surprised during an attendance upon an English election, at the paucity of fluent speakers who mounted the hustings. Most of them consumed more time by the intervals between their words and syllables, than by their sentences. One of the candidates whom it was our lot to hear—a young gentleman of immense fortune, who had come from London in a splendid equipage to solicit the votes of the good people of the borough, furnished his intended constituents with an admirable proof of his qualifications as a lucid advocate of their interests. Wishing to impress them with a fine idea of the moderation of his principles, “Gentlemen,” said he, “I—I never will go—go—I say, Gentlemen, I never will go to—to extremes—I—I, Gentlemen, will always steer—” and here the poor steersman seemed completely to lose his helm, causing the vessel of his oratory to toss about, as if it were really at the mercy of winds and waves; all sorts of inarticulate sounds proceeded from his mouth whilst he was endeavouring to think of some strait between Scylla and Charybdis through which he might pass, until at length, a flush of exultation passing over his countenance, as if he had found the object of his search, he repeated with triumphant energy, “Yes, Gentlemen, I will always steer—*between right and wrong*.”

This circumstance, however, of the universality of ready, fluent talkers, so far from being a subject of national congratulation, is the very reverse. It is one to be deprecated for various evils which it produces, not the least of them being the harm which it does to eloquence. The standard of this is lowered by it in the most lamentable manner. The habit of extemporaneous speaking, which is so much prized, is only valuable when it is "out of the fulness of the mind and the heart that the mouth speaketh"—when adequate preparation has preceded. But acquired as it is here, in early life for the most part, before an adequate knowledge of even words is possessed, it is a most serious obstacle to the improvement of the speaker. Delighted with the applause which he receives upon the stump, or the barrel, or the hustings, from the multitudes surrounding them, who shower their plaudits most copiously upon him who talks fastest, and longest, and loudest, he is satisfied with the faculty of saying "an infinite deal of nothing," which has thus ministered to his self-complacency; devotes his almost exclusive attention to the cultivation of a prompt loquaciousness instead of genuine eloquence; and throughout his entire oratorical career, exhibits a remarkable resemblance to Boileau's garrulous dame, "*qui parle toujours, et ne dit jamais rien.*"

"Words are like leaves, where most they do abound,
Much fruit of sense beneath is rarely found."

The Roman orator deemed it a matter of great difficulty to speak on the sudden without full preparation—*magnum opus est disputare de rebus aliquibus subito, egetque exercitatione non parvâ*—but our orators seem to consider it the easiest thing in the world. And so it is as they manage it; but how much time would be saved to the nation, and how much injury to good taste would be spared, if they held the opinion which we have just quoted, of the master of the art; if they believed with the same illustrious person, that the mind ought to be filled with things before the mouth is opened, and that an orator should possess the subtlety of dialecticians, the science of philosophers, almost the diction of poets, and the voice and the gesture of the greatest actors. It was the complaint of Plato against the rhetoricians of his day, that they endeavoured to persuade before having learnt what they should persuade—what would he say, if he were to hear the discourses of some of our legislators upon the most important subjects?

Great, however, as seems to be the attachment of most of our speakers to mere words, they do not take more pains with them, as far as quality is concerned, than with more substantial matters. Provided a certain quantity of them is uttered, the whole object appears to be attained, and whether they be choice or the reverse, is an affair of little moment. A speech is a speech, although there's nothing in it, save sound of some description. The style,

consequently, of the majority of our discourses, is sadly deficient in those attributes which would compensate, to a certain extent, for the absence of nobler requisites; and as these discourses constitute a staple commodity, as we have already intimated, and exert an important influence, the detriment inflicted upon the public taste in regard to the use of language by such bad models of the vernacular, such looseness of diction, ungrammatical constructions, and low and often unidiomatic phraseology, may easily be estimated. The evil would not be so serious, were it confined to the mere mass of speakers; but unfortunately this inattention to style, as if it were a matter of insignificance, is observable in the most distinguished. Yet the great importance of appropriate expression would appear too manifest to need remark, for a vulgar apparel may often render the most exquisite beauty unattractive if not repugnant. The ancient orators were as solicitous about the dress of thought as about the thought itself; and the marvellous perfection of style in their productions, may be deemed a principal cause of their preservation and the universal admiration which they receive. Cicero, indeed, in the treatise in which he depicts the complete orator, attaches almost more consequence to diction than to any other part of eloquence, laying the greatest stress even upon the harmony which results from the choice and arrangement of words; and this even in places the most striking from the strength and beauty of the idea, where the orator might seem at liberty to dispense with all care as to the disposition of the phrase. "I was present," he says, "when C. Carbo exclaimed in a harangue to the people; *O Marce Druse, patrem appello; tu dicere solebas sacram esse rempublicam; quicumque eam violavissent, ab omnibus esse eis pœnas persolutas; patris dictum sapiens temeritas filii comprobavit*; this dichorea, *comprobavit*, extorted by its harmony a shout of approbation from the assemblage; but, (he adds,) if the orator had finished the period thus, *comprobavit filii temeritas*, there would have been nothing in it—*jam nihil erit*." This, to be sure, is rather an instance indicative of the musical susceptibilities of the Latin tongue, and the exquisite delicacy of ancient ears, than an example for imitation to be proposed to those who have to do with less pliable and harmonious idioms, and less sensitive audiences; but the lesson which it inculcates may be turned to good account.

We certainly do not wish to be understood as denying, by what we have said, the existence of a high order of eloquence in the country. Our remarks are meant to apply to the average character of our public speaking, which, unquestionably, is susceptible of great improvement. It requires, however, an inordinate degree of patriotism to assert that any of our most distinguished orators are models, and could not, with the natural faculties which they possess, have attained a loftier elevation than they have reached, by an adequate use of their resources. The cir-

cumstance which Hume mentions as a conclusive proof that none of the English speakers of his day were really masters, that there were "above a half-dozen speakers in the two houses, who, in the judgment of the public, had reached very near the same pitch of eloquence," might be adduced also as evidence that none of our congressional gentlemen are altogether the rivals of Cicero or Demosthenes. There was no doubt as to the pre-eminence of these over hosts of competitors; but who could affirm the superiority of his favourite in the Senate or the House, without having it plausibly disputed by the advocates of several conflicting pretensions? Yet it is unquestionable that we have had, and still have, speakers who have given irrefragable proofs of as great native power, perhaps, as has ever been evinced in modern times—men who might have rivalled altogether, as they do in parts, the richest eloquence of the British parliament, had they duly nursed their genius; who, even, had they been afforded such opportunities as were enjoyed by him who swayed the "fierce democracy" of Greece, might have left specimens of the power of the human intellect little inferior to the Oration upon the crown itself. The perfection of this, indeed, in almost every way, can scarcely be a matter of wonder, when we regard the circumstances under which it was pronounced—circumstances which called forth every faculty of mind and soul, and strained them to the very "top of their bent"—glory the reward of success, infamy the consequence of defeat, a nation for audience, the world almost spectators.

It might, indeed, be confidently affirmed that no country, at the present moment, possesses as many able speakers as this—that neither the French nor the English legislature can offer six names worthy of being ranked collectively with the same number to be found upon the rolls of Congress, which will immediately suggest themselves to the mind of the reader. It would be an interesting and instructive task to compare the actual eloquence of the three countries, but we may not attempt it on this occasion, having already too long delayed noticing the volume which has prompted these remarks—the *Memoir and Speeches* of one who, for some time past, has played a prominent part on our political stage.

The *Memoir* is sufficiently well written, and is probably as complete as it could be made; but it has one great defect, and the very one which the author, in his preface, particularly designates as the worst that can disfigure a production of the kind—that of being a panegyric rather than a biography. The picture drawn by Mr. Bowen is all light, and produces, in consequence, by no means the effect which was designed. A due intermixture of shade would have rendered it not only a much superior work of art, by imparting greater strength and verisimilitude to the whole, but would have caused the other portion to make a far more powerful and

useful impression. The merits of Mr. Burges are of a description, both as to quality and quantity, to enable his biographer to speak unreservedly concerning the failings by which they are and must be accompanied, unless he be more than man, without fear of detriment to his general character. We should, indeed, be inclined to forgive many more defects than we could have any ground for ascribing to him, in consideration of the admirable example which the story of his career offers—of the victory of energy and perseverance over all the obstacles of humble birth and adverse fortune. With such examples, it is true, the annals of our country, and especially of New England, are replete—and we know not what prouder boast a country can have—but it is one which cannot too often be held up as an incitement to similar virtue, and which can never fatigue emulous contemplation. The spectacle of such a struggle comes home to every bosom, inspiring the most elevated ideas of the attributes of our common nature; whilst to an American especially, it is of double interest and value, by the eloquence with which, in its success, it speaks of the excellence of those institutions that lend such efficient succour to the efforts of merit.

Tristram Burges was born on the 26th of February, 1770, in the First Parish of Rochester, Massachusetts. His father was a cooper by trade, and the proprietor of a small farm. Tristram was the youngest of his three sons, who assisted him in the occupations of his shop during the winter, and the cultivation of his land in summer. It was not until he was about fifteen years of age that the subject of this memoir enjoyed the advantage of attending a school. He had previously, however, been taught to read by his eldest sister, and his father had given him some instruction in writing and arithmetic. From a sea captain, also, named Matthews, settled in the neighbourhood, he had obtained some insight into navigation. The schooling that he got was restricted entirely to English, but his fondness for reading enabled him to lay in no meagre stock of information, by the time he was twenty-one. Pope, Dryden, and Addison, were his principal favourites. He also devoted himself early to composition, chiefly letter-writing, that being a fashionable employment among his associates. The number of epistles which he wrote between the ages of sixteen and twenty-one, in verse and in prose, to the young persons of his acquaintance, would, according to our author, fill a volume.

The first project of young Burges, when of an age to “shift for himself,” was to go to sea, not for the purpose of following it as a calling, but in the hope of making a sum which would enable him to acquire the knowledge requisite for embracing one of the liberal professions. He had made all his arrangements to join a whaling expedition, as one of the coopers of a ship commanded by an old friend of his father; but the premature sailing of the vessel frus-

trated the plan. He then determined to commence the study of medicine as well as he might. The family physician, Dr. Foster, lent him various medical works of repute, advising him, however, to study Greek and Latin, before he commenced a regular course of medicine. This counsel he was enabled to follow by applying the proceeds of the sale of his share of his father's farm, who had recently died, and the profits of a school which he kept during three or four months of the year, to the payment of his academy and college expenses. The following is our author's account of the beginning of his oratorical career. It may remind the reader of that of the great master of the art.

"Early in the spring of 1792, Tristram again returned to the academy at Wrentham, and continued there until the last of October. The hours of recreation, during this season, he devoted to improvement in speaking. His desire to excel in that department of study was earnest, and continually increasing. It was the usage of the school for each pupil, once a week, to declaim on the stage in the academy. The first time Burges attempted to speak, his success was indifferent enough. A young man, with whom he had formed an acquaintance, happened to be a fellow boarder. He was a fine scholar, and accomplished in the rules and practice of speaking; and, though kind in his disposition, yet he was honest and frank in his expressions concerning the faults and imperfections of his friend. After Burges had made his first attempt at speaking on the stage, and as they were going home together, the conversation turned upon his success. He had never been accustomed to read aloud, and whenever he commenced, he invariably hesitated, and often stammered. This imperfection was manifested in his utterance when he went on the stage, or attempted to recite from memory. His companion finally observed—'You must get somebody else to do your speaking for you.'

"To many a youth of sensibility, with but little energy of character, such advice would have opened an incurable wound, paralyzed all future effort, and rendered miserable him who promised to be an ornament to his race. But not so with the youth to whom it was addressed. He possessed too much energy, ambition, and laudable perseverance, to be vanquished by such obstacles. And to that same advice may be traced the fountain of that eloquence which sprung up in his soul; for, from that moment, he resolved 'to speak for himself.'

"The house at which he resided was situated on the east side of the road, and was sheltered on the west by a thick wood of high pines, filled up with under-wood of live oak, growing then higher than the lowest bramble of the pines, and forming an almost impervious thicket. After many attempts, the student found a path, made by the cattle and sheep, leading towards the other side of this wilderness. Pursuing this path, he discovered a recess, as if cleared away for culture, of one hundred feet in diameter, with a few scattering trees left standing. Here, thought he, is my stage; encircling me, is the all-sustaining atmosphere; and these trees before me, are the mute auditors, which will not hiss, if I *do* stammer! This was his speaking place, and hither he usually retired once a day. No human being was there to aid or interrupt. The process was simple. In conversation, he could talk very fluently; it was only when he began 'to speak,' that he began to stammer, or hesitate, or use a bad tone. He therefore commenced talking to the trees, studiously noting the movements of all the organs of utterance. In this manner, he proceeded in the study of the art of speaking, and conquered that habit of stammering and hesitating, which had attended him from his early years, and acquired to a considerable degree a natural style of speaking.

Rhode Island College, now Brown University, was the institution in which he went through his course. He entered it in September 1793, and graduated in 1796, having distinguished himself

so much as to be honoured with the task of delivering the valedictory address. In belles lettres especially, he was deemed an excellent scholar. The oration which he pronounced, on receiving his degree, had for its subject "The Cause of Man." It was considered at the time, says our author, a remarkable production. The following passage he thinks "beautifully constructed," and mentions that it has been selected as an exercise for declamation in many schools and colleges. We must have been blinded by its very brilliancy, for we confess we cannot discern its pre-eminent claims to that distinction. It is very much like the "beautiful passages" of most graduate speeches, in which a delectable conjunction of sounding phrases and magnificent tropes serves all the purposes of originality and beauty of thought.

"Guided by reason, man has travelled through the abstruse regions of the philosophic world. He has originated rules by which he can direct the ship through the pathless ocean, and measure the comet's flight over the fields of unlimited space. He has established society and government. He can aggregate the profusions of every climate, and every season. He can meliorate the severity, and remedy the imperfections of nature herself. All these things he can perform by the assistance of reason.

"By imagination, man seems to verge towards creative power. Aided by this, he can perform all the wonders of sculpture and painting. He can almost make the marble speak. He can almost make the brook murmur down the painted landscape. Often, on the pinions of imagination, he soars aloft where the eye has never travelled; where other stars glitter on the mantle of night, and a more effulgent sun lights up the blushes of morning. Flying from world to world, he gazes on all the glories of creation: or, lighting on the distant margin of the universe, darts the eye of fancy over the mighty void, where power creative never yet has energized, where existence still sleeps in the wide abyss of possibility. By imagination, he can travel back to the source of time; converse with the successive generations of men; and kindle into emulation, while he surveys the monumental trophies of ancient art and glory. He can sail down the stream of time, until he loses 'sight of stars and sun, by wandering into those retired parts of eternity, when the heavens and the earth shall be no more.' "

In a previous paragraph there is an instance of the misapplication of a word, very common in this country, which is altogether inexcusable in a "fine belles lettres scholar"—"anger learn him to resist." A short consultation with Dr. Johnson would have informed him, that the employment of the verb "to learn" in the sense of to teach, is now altogether obsolete.

After leaving college, Mr. Burges opened a school in Providence, to earn the means of prosecuting the study of the law, to which his thoughts were now directed. He continued the occupation during twelve months, teaching six hours a-day, and dedicating the same number to reading law. Having drawn a prize in a lottery of two thousand dollars, he was enabled to give up his school, and devote himself entirely to his studies, which he did with so much effect, that when admitted to practice in 1799, he was, if we may believe our author, "thoroughly versed in all the principles of the profound science he had cultivated."

At that time, according to Mr. Bowen, the bar of Rhode Island was as eminent as any in the United States; and the success of Mr. Burges was of the most decided kind. "But a few years after he was admitted to practice, he had attained signal influence as an advocate. The powers of his mind, and his enthusiastic feelings, were enlisted in every cause which he argued. So deeply was he interested, so persuaded of the justice of his side of the question, that he was never known to admit his client to be in the wrong. If doubts were suggested by the opposite party, before trial, he would repel them in an instant, as if they reflected upon his own honour and judgment. His practice was very extensive, and few important causes were argued in which he was not engaged. The power of his eloquence was supreme over judges, jurors, and spectators. When he spoke, the court-house was often thronged, and none listened without a tribute of admiration."

Mr. Burges was not so entirely devoted to the law, that he could not take an active part in political discussions. He attended public meetings, made speeches at them, and drew up various resolutions and memorials. The Embargo law was then producing a great excitement in Rhode Island, during which he occupied a conspicuous position. In 1811 he took his seat as a representative from Providence in the General Assembly of the state, and was re-elected for another term, but resigned. In 1815, Mr. Burrill having been chosen a Senator in Congress, Mr. Burges was appointed to succeed him as Chief Justice of the Supreme Court of the state. The selection was highly honourable to him, not more from the dignity of the office than the character of him whose place he was called to fill. He held the situation, however, only a year. The party to which he had been opposed gained the ascendancy, and deprived the state of his services; "affording a striking illustration of the folly and insecurity of annual appointments of judges."

He returned to his practice, and in addition, delivered courses of lectures on oratory and belles lettres in Brown University, having been chosen professor of these branches in the institution. Our author says that they were delivered extemporaneously—an equivocal merit at best—and that they were fine specimens of the art which he was teaching. He did not discontinue them until his election to Congress in 1825, by a considerable majority over Mr. Eddy, who had long held the seat. Since that period he has constantly been re-elected, and at present is a candidate for a seat in the Senate of the United States.

In the House, Mr. Burges has always held a prominent station, by the part which he has taken in the most important discussions. Some of the speeches pronounced by him are contained in full in the volume before us; of others, our author has furnished extracts, inserted in the body of the *Memoir*. But there are

many of his discourses, he says, which he has not been able to notice at all. "Indeed, so numerous are they, that it would have been impracticable to have detailed the whole. Perhaps he is never more successful than when he addresses his fellow-citizens of Rhode Island, preparatory to their elections." We extract a portion of Mr. Bowen's conclusion, in which he draws a character of the subject of his Memoir, relative to his oratory.

"Mr. Burges's style of speaking is often too vehement; occasionally, he deals in nice refinements of language: yet his style is formed on no one model, and, therefore, it resembles the speaking of no other man. It is his own, with its faults and beauties. If one word could convey a just idea of the whole, we should term it captivating. His voice is not remarkable for its sweetness; but it is strong, and in its deepest intonations, melodious. It is capable too, of an exquisite variety of tones. It will speak the calm reasonings of philosophy, and the exciting passions of the soul, with inimitable power. His cadences fall upon the ear with a prolonged beauty; and his emphasis and pauses are admirably managed. His gestures are frequent, yet employed only when the thought requires them. They are always emphatic. A wave of the hand expresses sentiments and emotions which others convey only by words. His articulation is remarkably distinct; every sentence is pronounced with a full, deliberate enunciation. One cause of Mr. Burges's success in oratory may be attributed to his knowledge of human nature. Much of that knowledge was acquired in the beginning of life. The variety of his occupations led him into frequent conflict with men; and their dispositions, pursuits, and general rules of conduct, he made a study. His profession, also, was a tributary stream, continually flowing onward, and gathering new volume, as his practice increased. The Bar is a theatre, where human nature is displayed in its darkest and finest expressions. Accustomed to watch the springs of passion, he soon acquired the art to move and enkindle the feelings of popular assemblies. Hence, few have been more successful in directing the movements of such assemblies. A general silence, an interest that never falters, attend all his efforts.

"To live in human memory, and to place on the roll of time some memorial of himself, has evidently ever been one of his cherished desires. He is ambitious; and, therefore, participates in that infirmity, as it is denominated, of great minds; the same which heaved in the breast of Washington; which has breathed in the lines of poetry; which has set in our political firmament those living stars, shining with undimmed lustre, and guiding to Union and Independence. In mechanical and agricultural employments he was ambitious. The first honours of the University, his professional accomplishments, and present distinction, all were attained by its influence. 'When we feel ourselves,' as he once beautifully remarked, 'borne along the current of time; when we see ourselves hourly approach that cloud, impenetrable to the human eye, which terminates the last visible portion of this moving estuary; who of us, although he may hope when he reaches it, to shoot through that dark barren, into a more bright and peaceful region, yet who can feel himself receding from the eye of all human sympathy, leaving the vision of all human monuments; and not wish as he passes by, to place on those monuments, some little memorial of himself; some volume of a book; or, perhaps but a single page, that it may be remembered,

When we are not, that we have been.'

"The mind of Mr. Burges, in all its shades and peculiarities, cannot be precisely delineated. It is difficult to balance the opposing elements of any mind, or to convey an accurate idea of all its resources and attainments. The most correct inferences may be drawn from works. We think, as before intimated, that upon them he has established a permanent and just renown. Intellectual greatness must be more conclusively defined, the true nature of genius solved, before a place can be selected in the temple of Fame, for all noble and far-reaching minds."

This is eulogistic enough. We have heard Mr. Burges, and have read some of his speeches, immediately after they were delivered, and again in this volume; but we cannot, we confess, perceive his claim to so conspicuous a station in our oratorical array, as our author would assign to him. He can scarcely be said to possess the requisites of an orator in a superlative degree, although he certainly does possess some of them to a considerable extent. The earnestness with which he speaks, the perfect conviction of the justness of what he is saying which marks his manner, whilst they are in accordance with the sincerity and directness of his character—qualities, we believe, which have never been denied, whatever sins may have been imputed to him amid the strife of party—are important traits in an orator. He also seems to be always well acquainted with his subject, and his general attainments often serve him effectually; but, judging merely from the speeches in the volume before us, we should not suppose that his erudition is very profound. It is manifested more by fits and starts, if we may so speak, by allusions and occasional observations, than by that general impress of completeness and refinement which belongs to the emanations of an intellect richly stored with classical lore; nor are those allusions always free from an aspect of affectation and display. Some of them are so far-fetched and irrelevant, as to bring to mind the anecdote of the French advocate, who, whilst indulging in a classical flight about the siege of Troy and the Scamander, was suddenly tumbled to the earth by the adverse counsel, who interrupted him, saying, “the court will please observe that my client’s name is not Scamander, but Michaut.” Were his attainments altogether such as they are described by Mr. Bowen, we think they must have been operative in disciplining his imagination and chastising his taste. His rhetoric is often of a strained and extravagant species, that would encounter little mercy at the hands of Longinus or Quintillian; “the most exact propriety and nicest truth,” which, according to the first named critic, constitute the beauty of images, being the last characteristics to which they can pretend. The peroration of the first speech which he pronounced in the House upon the judiciary, although it is extolled by our author, and extorted at the time the exclamation from a veteran member—“this speech is one of the greatest displays of eloquence ever made in this hall”—strikes us as an egregious proof of our remarks.

“Thus, Sir, you may legislate, not for twenty years only, but, by Divine aid, for twenty centuries. Your judicial edifice will be extended, with your extending country; and will subserve the wants, and satisfy the requirements of these increasing States, and the multiplying millions of this great nation; until the American Eagle shall, with one wing, winnow the breezes of the Atlantic, and with the other, hover over the quiet waters of the Pacific; until the colossal power of the republic, standing

on the lofty mountains of this continent, shall, with one hand, extend the olive branch to the peaceful nations of the earth, and with the other, wave the sword of justice over the satisfied and tranquil citizens of these widely extended regions."

What an ornithological marvel must be the bird that can, "with one wing, winnow the breezes of the Atlantic, and with the other, hover over the quiet waters of the Pacific!" The feathered monsters which excited the wonder and terror of Sinbad the Sailor, whose voracious adventures are so much the admiration of childhood, must have been mere humming-birds to such a creature. Should our "legislation"—and there is no knowing what this may *not* do—cause its pinions to assume the positions which Mr. Burges hopes they will take by the assistance of Congress, the good people of the Union will be in a condition like that of the Grecians when the Persian arrows darkened the sun, without, perhaps, desiring shade as much as the ancient warriors are related to have wished it, for the purpose of fighting more comfortably.

The "colossal power of the republic," though not quite so formidable, is hardly a less preposterous image than the foregoing. We doubt much whether "the satisfied and tranquil citizens of these widely-extended regions" would particularly relish the spectacle of "the sword of justice" constantly waved over their heads by the hand of any colossus; the sight of a sword, no matter of what kind, being never very conducive to tranquillity of spirit.

We will extract a few more samples of the bombast into which Mr. Burges frequently allows himself to be transported. The higher the authority with which they present themselves, the more imperative is the duty to set the seal of reprobation upon them. Extravagance of word and image is a vice not less incident to the youth of a nation than of an individual, and should be counteracted and reproofed on every occasion.

"The policy of the gentleman from Virginia, calls him to a course of legislation resulting in the entire destruction of one part of this Union. Oppress New England until she shall be compelled to remove her manufacturing labour and capital to the regions of iron, wool, and grain; and nearer to those of rice and cotton. Oppress New England until she shall be compelled to remove her commercial labour and capital to New York, Norfolk, Charleston, and Savannah. Finally, oppress that proscribed region, until she shall be compelled to remove her agricultural labour and capital—her agricultural capital? No, she cannot remove that. Oppress and compel her, nevertheless, to remove her agricultural labour to the far-off West; and there people the savage valley, and cultivate the deep wilderness of the Oregon. She must, indeed, leave her agricultural capital; her peopled fields; her hills with culture carried to their tops; her broad, deep bays; her wide, transparent lakes, long winding rivers, and populous waterfalls; her delightful villages, flourishing towns, and wealthy cities. She must leave this land, bought by the treasure, subdued by the toil, defended by the valour of men, vigorous, athletic, and intrepid; men, god-like in all making man resemble the moral image of his Maker; a land endeared, oh! how deeply endeared, because shared with women pure as the snows of their native mountains; bright, lofty, and overawing, as the clear, circumambient heavens, over their heads; and yet lovely as the fresh opening bosom of their own blushing and

blooming June. 'Mine own romantic country,' must we leave thee? Beautiful patrimony of the wise and good; enriched from the economy, and ornamented by the labour and perseverance of two hundred years! Must we leave thee, venerable heritage of ancient justice and pristine faith? And, God of our fathers! must we leave thee to the demagogues who have deceived, and traitorously sold us? We must leave thee to them; and to the remnants of the Penobscots, the Pequods, the Mohicans, and Narragansetts; that they may lure back the far retired bear, from the distant forest, again to inhabit in the young wilderness, growing up in our flourishing cornfields and rich meadows; and spreading, with briars and brambles, over our most 'pleasant places.'"

Any insult or injustice to the quarter of the country from which Mr. Burges comes, seems to operate upon his rhetorical propensities like the sound of the trumpet upon the war horse. Upon such occasions off starts his Pegasus, *à bride abattue*, cutting such capers as prove that no muse certainly directs his motions.

"Rhode Island threaten to dissolve the Union! Never, Sir, until by some convulsion of nature she may be plucked out from the refreshing bosom of salubrious skies and perennial waters, and cast down in that burning region where the 'dog star rages;' where 'sultry Sirius sears the sandy plains;' where the thirsty inhabitant pants, each for individual and independent dominion. With Rhode Island, Sir, this Union was a holy marriage covenant, 'and for better for worse, until God do part you.'"

What is the meaning of the following piece of sublimity? It passes our comprehension.

"All which I could not do, I shall no otherwise remember, than that I earnestly laboured after, but was unable to arrive at a performance of it. The honourable gentleman is in no condition of equal security. He does not believe this can be one of the fields of his fame; if he win he could not wear my armour. Should he fall; should the point of that truth, which, at one touch, demolished the toad, and exhibited the demon; should that glittering point reach him, in that upper region where he has long been expanding himself, and labouring his own apotheosis; aye, Sir, should the ethereal blaze of that truth, but drop into the orbit of this bright exhalation, extinguished and shrunk to its native dimensions, it must fall to the proper level of its own element."

We prefer, however, the magnificent incomprehensibility of this travestie of Milton, to the treason, it deserves to be called, of which he is guilty in another speech, in parodying one of the most splendid bursts of Demosthenes—the famous apostrophe, as it is termed, though improperly. Nothing but a state of the utmost excitement in both orator and audience, upon an occasion of absorbing interest and dignity, could give success to so daring an adjuration. Such an excitement and such an occasion did lend their aid to the Grecian orator, and enable him to produce a thrilling effect. Let us see whether Mr. Burges's copy, to dignify it with that name, bears any evidence on its face of having been similarly authorized.

"Sir, let our whole country adopt this policy (of free trade,) this English system, and from that time we are to England what Poland is to the other nations of Europe. The West will not do this; the North will not do this. Do it who may, New

England will not. So long as one soldier of '75 lives on our hills, or one soldier's dust sleeps in a grave on our battle-fields; so long as the Fourth of July is a day in the Christian calendar, New England will not. By the souls of those men who fell at Lexington, and Bunker Hill, and Bennington, now beatified by redeeming mercy, New England will not chain herself to the wheels of this odious system."

This is imitation "with a vengeance." Demosthenes, after having, in a strain of almost superhuman eloquence, by which he had inflamed the minds of his hearers to a pitch at which nothing could seem extravagant to them, repelled the imputation of his adversary that his counsels had entailed the disastrous defeat at Cheronæa, and maintained that even could that event have been foreseen, the course which the Athenians had pursued by his advice was the only one compatible with their honour and glory—all at once, as if hurried by the fervour of patriotism beyond himself, "filled as it were with sudden inspiration, and transported by a god-like warmth," thunders forth an oath by the manes of the departed heroes of Greece, that they had acted as they ought in braving every danger for the safety and liberty of Greece: "You were not in the wrong, I swear it by the souls of those who perished on the plain of Marathon, by those who fought at Platea, and Salamis, and Artemisia, and by all those great citizens whose ashes have been deposited by Greece in the public monuments!" Mr. Burges is talking about taxes upon calicoes and broadcloth, asks with sublime emphasis who will consent to take them off, declares that neither this nor that portion of the country will do it, vows that New England at all events has no idea of ever lightening her pockets in such a style, and to render this "pretty considerably" evident, swears—not "by jingo" that she will not do any such thing—no, "by all the muse's fury fired" at the idea, he swears "by the souls of those men who fell at Lexington, and Bunker Hill, and Bennington, now beatified by redeeming mercy"!

Occasionally, the rhetoric of Mr. Burges takes a different course from that which it follows in the foregoing instances, and instead of rising from the ground until it hides its head amid the clouds, it starts from among these, and descends in a way that the eyes of Martinus Scriblerus would have glistened to behold. In the conclusion, for example, of his speech upon D'Auvergne's claim, he winds up an exhortation, in which there is some real eloquence, to preserve the Constitution, by the assertion that those who wish to avert its destruction "will not desert the ship, leave her who may; they will perform the voyage, and to the very letter, *and in the full spirit of all and singular the shipping articles*"—a praiseworthy evidence, doubtless, of exactness on the part of the navigators, although it manifests a dangerous proficiency in one of them in the art of *sinking*. We have read somewhere a piece

of verse which deserves to be transmitted to posterity in company with this specimen of prose.

“ There came a knight from Palestine
Mounted upon a coal black steed,
And he rode past like the wind,
And left his groom behind
At a very great distance indeed.”

Another fault which we have to find with the rhetoric of Mr. Burges, is the manner in which at times he accumulates and spins out illustrations of propositions which can be demonstrated far more efficaciously by a few words. Condensation and succinctness, indeed, are never very remarkable in the oratory of Mr. B. any more than in that of most of his fellow-legislators and speakers. We doubt if an anecdote will ever be related of any of them, like that recorded of Phocion, who, it is said, appearing one day as he was about to ascend the tribune immersed in reverie, and being asked the cause, replied, “ I am thinking how I shall contrive to abridge what I have to say.” The following passage is an instance of the defect we have just mentioned.

“ Sir, the principle of self-defence runs throughout the whole animated world, and is a law to ‘ man, beast, bird, fish, insect, what no eye can see.’ Look with your glass at the living atoms which in myriads, people the light; each one is armed, and by the little wars of self-defence, preserves his own existence. He fights his brief battle, reproduces himself, and dies in the same hour when, and in the bosom of the same bright sunbeam where, he was born. The little ichneumon, deified in Egypt for his successful wars against the crocodile, not only defends himself against that ferocious enemy of so many living things, but, by courage and stratagem, he leaps into the open jaws of his powerful adversary, wins his way to his very vitals, gnaws asunder the cords of life, and then, boring a passage for himself through the side of his conquered enemy, leaves the monster dead or dying on the shore of the Nile. The leviathan of the ocean, which wars and feeds on all the families of the seas, is assailed and subdued by one of the lesser fishes, a diminutive adversary, named from the sword which he wears; endowed with the instinctive valour and skill of self-defence, he plunges, when pursued, and, rising swiftly, and with a deadly aim, under the defenceless body of his enemy, avenges and secures himself. You have seen those little birds which build their nests, and sing in the trees, near every farmstead, as you travel any part of our country. They are always on their defence; never waiting to gather themselves into brigades, each one darts singly on the coming hawk, and drives the marauder from his little neighbourhood.

“ ‘ Its power to guard itself each creature feels.’ One animal lifts his heel, and spurns his adversary; another tosses him with his horns; a third dashes at him with his armed head; and a fourth raises a paw, and strikes with no purpose of a second blow. The principle of maternity is a part of the principle of self-defence. How often does a cruel boy hardly escape with his eyes, when he climbs a tree to plunder the nest of a robin? What do you see in the farm-yard more valiant than the hen in defence of her brood? The shepherd will tell you that the sheep itself, in defence of her lamb, is no less brave than the dog trained and trusted to guard the flock. What man will do, or dare, more in defence of himself than a mother will do, or dare, in defence of her child? The right of self-defence is so incidental, and so perfectly a law of nature, that every effort made by any creature, in pursuance of this law, is cheered and encouraged by a feeling and expression of approbation in the mind, or by the voice of every beholder of it.

“ A knowledge of the right which every man has to defend his own life, has not been communicated to us by any human teachings; but was given to us at our

creation, among those primitive instincts which were wrought into the very fabric of our existence, by the hand of the Creator himself. The right of self-defence depends on no law made by man: for, unless it were a law of nature, and brought into existence with life itself, there must have been a time when, because no such law had been enacted by man, he could have had no such right; and to have defended his own life would have been a crime against his own nature. Now, by the common consent of all mankind, and without any law enacted for that purpose, every man is, by every human tribunal, justified in using so much violence in defence of his own life as will preserve himself, and prevent the assailant from attempting further aggression. Nay, Sir, this great law of our nature creates and places an obligation on every man to defend that life bestowed on him by his Creator; and if, when assailed, he does not do this by all the means in his power, he consents to his own murder, and is guilty of a crime, in the forum of conscience, equal, at least, in its enormity, to that of suicide itself."

This "principle of self-defence" would have fully authorized, we think, those who were listening to the above establishment of it, to shut their ears and turn their attention to something else before it was half completed. How different the mode in which Cicero demonstrates the same proposition, although compression is certainly not his predominant trait. The passage is worth extracting here, by way of contrast, often as it may have been quoted:

"Est igitur hæc, Judices, non scripta, sed nata lex: quam non didicimus, accepimus, legimus; verum ex naturâ ipsâ arripuimus, hausimus, expressimus: ad quam non docti, sed facti; non instituti, sed imbuti sumus: ut si vita nostra in aliquas insidias, si in vim, si in tela aut latronum, aut inimicorum incidisset, omnis honesta ratio esset expediendæ salutis. Silent leges inter arma, nec se expectari jubent; cùm ei, qui expectare velit, antè injusta pœna luenda sit, quàm justa repetenda."

Who would not be more disposed to acquiesce in the Roman, than in the American orator's assertion? The very pains which are taken to prove its truth by Mr. Burges, seem to involve it in doubt; whilst the careless boldness with which it is urged in the other place, may be said to compel conviction. A few powerful strokes, by the hand of the master, and the object to be made manifest is brought out into the fullest relief, vivid with light, and resistless in its impression; whilst all the elaboration and minuteness of the less gifted pencil serve only to distract attention and weaken the effect.

This same fault of diffuseness is also too often observable in the logic of Mr. Burges, energetic and powerful as it frequently is, to enable us to apply to his oratory the remark of Hume upon the eloquence of Demosthenes, that "It is vehement reasoning without any appearance of art: it is disdain, anger, boldness, freedom, involved in a continued stream of argument"—or that of Fenelon: "*C'est un raisonnement serré et pressant, ce sont des sentimens généreux d'une ame qui ne conçoit rien que de grand, c'est un discours qui croît et qui se fortifie à chaque parole par des raisons nouvelles, c'est un enchaînement de figures hardies et*

touchantes; vous ne sauriez le lire sans voir qu'il porte la république dans le fond de son cœur: c'est la nature qui parle elle-même dans ses transports; l'art est si achevé, qu'il n'y paroît point; rien n'égalait jamais sa rapidité et sa véhémence."* These two descriptions, by the way, of the resistless *reasoning* of the prince of ancient orators, might furnish a sufficient refutation of the plea which has been urged in support of the superiority of modern eloquence, that it is the eloquence of reason, whilst that of Greece and Rome is the eloquence of passion. The latter is replete with the most severe and cogent logic; ratiocination of the strongest kind is the basis of its principal master-pieces, as in the oration on the Crown and that for Milo; and it is only because its impassioned parts are so much more strikingly affecting and brilliant from their very nature, that some plausibility has been given to the assertion we have mentioned, of the inferiority of its argumentative excellence. No eloquence, indeed, whose *essence* is mere passion, can exert any durable sway. The mind cannot be long maintained in a state of high-wrought excitement; and constant appeals to the feelings soon begin to lose their force. Their grand effect results from their superinducement, if we may so speak, upon argument—when they are brought in to finish the work which argument has commenced, by causing that to be *felt* of which the judgment has been convinced. It was on this account that the ancient writers on eloquence insisted that philosophy was a constituent portion of it, in order that the orator might, in the first place, be able to discover and exhibit truth, and then to awaken affection for her charms. The speaker who should always endeavour to effect this, before he has accomplished the other object, could never obtain any permanent influence with any society of men in either ancient or modern days.

It is certain, however, that more of that faculty which is called genius is requisite for moving the passions than for convincing the understanding, and that even if the ancients were inferior to the moderns in ratiocination, their superior power of influencing the affections would entitle them to the palm of eloquence. How many comparatively are there who can show us what is true; how few are there who can entice or impel us to feel and act in accordance with it! It is our passions much oftener than the errors of reason, that interfere with our perception and observance of truth, and to operate upon those is essential for the removal of the impediment;

* "It is close and urgent reasoning; it is the expression of the generous sentiments of a soul which conceives nothing but what is great; it is a discourse which grows and strengthens at every word by fresh reasons; it is a chain of bold and impressive figures: you cannot read him without perceiving that he carries the republic in the depths of his heart. It is nature that speaks herself in his transports; art is so perfect that it does not appear; nothing ever equalled his rapidity and vehemence."

but how difficult is it to strike the proper chords, so as to cause them to return the desired sounds. *Pectus est*, according to Quintillian, *quod disertum facit*—it is the bosom which makes the eloquent man—and in the same way, the noblest eloquence must have reference to the bosom. From it spring the sublimest thoughts, and to it such thoughts must be addressed. The mere understanding cannot grasp them.

The oratorical weapon which Mr. Burges wields with the greatest efficacy, and which he seems most fond of employing, is sarcasm. In the use of this, he is perhaps unsurpassed in the United States; yet it is oftener, in his hands, a weapon like the massive broadsword with which Richard the lion-hearted, in the admirable scene in "*The Talisman*," cleaves the bar of iron in twain, than resembling the keen and polished scymitar with which Saladin accomplishes the more difficult feat of severing the pliant cushion. His satire frequently wants the edge which refinement would impart to it, and at times it proceeds to a degree of coarseness altogether inexcusable. Nothing, for instance, can extenuate his famous retort upon Randolph—not even the provocations which that eccentric individual was wont to give. It trespasses beyond the utmost allowable bounds; and might be affirmed to speak almost as strongly against the utterer of it, as against the person at whom it was directed.

We have dwelt thus freely on the defects which appear to us to detract from the eloquence of Mr. Burges, because we deem him no common man—one whose influence is justly considerable. Of such individuals, it is doubly important that the faults should be pointed out and understood, in order that these may be hindered, as far as possible, from doing that harm which their association with excellence might enable them to inflict. As to his merits, we could easily, if we had space, adduce abundant evidence of them from his productions in the volume before us; but they have already spoken to the world for themselves, in language far too eloquent and convincing, to require our humble aid in the way of emblazonment.

ART. VII.—*A Tour through North America; together with a comprehensive view of the Canadas and United States, as adapted for Agricultural Emigration.* By PATRICK SHIRREFF, Farmer, Mungoswells, East Lothian. Edinburgh: 1835.

WHEN it was known that M. A. de Humboldt was soon to set out to make researches concerning the institutions and monuments of the ancient inhabitants of America, there was a general expectation of an important addition to modern science. The Baron was familiar with most of the branches of human knowledge. To a practical acquaintance with physics and astronomy, he united the opposite acquirements of an antiquary and a philologist. He had long been remarkable for an ardent love of truth, for his amiable and pure philosophy, and for his indefatigable and systematic industry. Scientific men had, therefore, reason to expect much from his travels; and their expectations were not disappointed. "*Le Voyage de Humboldt et Bonpland*," is a work of almost unparalleled extent and richness, and is also a remarkable record of human courage and perseverance. Had M. de Humboldt travelled in the northern, instead of the southern continent of America, his researches would have been more useful to civil society, and could hardly have been less important to natural science. He passed through some parts of the United States, on his way back to Europe, but his sojourn was very short, and this country may never again be visited by an author approaching to him in character or attainments. Travelling in our republic, seems to have been monopolized by literary pretenders and needy adventurers. In ancient times, Thales, Pythagoras, and Plato, visited distant regions in order to increase their knowledge and benefit their countrymen. Their absence was protracted to years, and the result of their laborious observation given with modesty and caution. But now, with the assistance of steamboats and railways, the vast territory of the United States is traversed in a few weeks; the manners and customs of its inhabitants, its political and economical institutions, are all gathered up in this hasty flight; its present condition is fully described and explained, and what is more, its destinies are boldly traced. The number of books about America, now thrown off the English press, is extraordinary, and the load of scandal and abuse heaped upon us from all sides, has really become awful. But our sturdy citizens have, notwithstanding, gone on to gather their crops, to fill their warehouses, and freight their ships. The blessings of tranquillity and contentment have not been taken away from us; and while many of the governments of Europe seem tottering to their fall, our republic exists unmoved, prosperous and independent.

From the censure implied in these remarks, must be excepted

the book of Mr. Patrick Shirreff, which we are about to notice. It is not intended to compare him with M. de Humboldt. He tells us himself, that he is only a plain East Lothian farmer; but he has evidently studied agriculture as a science, and, to use his own phraseology, practised it as an art; his statements and observations on that subject are, therefore, deserving of serious attention.

His book begins with a short and sensible preface, some parts of which will best explain the object of his travels.

"It has been said that I was appointed by a party of East Lothian farmers to visit and report on the Canadas and the United States; but nothing could be more unfounded. A younger brother having expressed a wish to try his fortune as an American farmer, I resolved to explore the country for the purpose of enabling me to give an opinion on the step which he contemplated. With this single object in view, my transatlantic excursion was originally planned, and afterwards performed, unfettered and unassisted by any party whatever.

"Having been led to travel from a sense of fraternal duty, I would have willingly remained satisfied with simply accomplishing the object of my journey, being aware how recently some individuals of the highest attainments had published works on America, and how ill qualified I am, in some respects, to convey an accurate impression of a country and people so interesting. But the solicitations of friends induced me to give my opinions to the public, and the result will, perhaps, prove their partiality to have been greater than their discernment.

"Having passed much of my time apart from fashion and politics, the position which I occupied in the world may not have been favourable to an impartial view of all which came under my notice. My acquaintance with agriculture enabled me, however, to judge of American farming without relying on the opinions of others, and, while listening patiently to much which was told me, I drew conclusions only from what I saw.

"In measuring the advantages of the different parts of the country by the standards of nature, and the reward of agricultural industry by produce, I hope to have departed from custom without having been led into error. Nature is the most general and invariable of agricultural tests.

"Want of information is a complaint which has been brought against treatises on emigration, and the charge in all probability arises from diversity of human character; one mind being incapable of furnishing all requisite information to another, without previously knowing what is required. The first part of this publication is intended to show the opportunities which I had of seeing the country, and the second part to aid in forming an opinion of the different places of settlement. I have aimed only to impress the understanding of the reader, and should any of my representations and conclusions be found to differ from reality, I shall regret having written a word on the subject."

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"Being a farmer in the strictest sense of the word, and having written the volume at intervals snatched from professional duties, I make no pretensions to correctness, much less to elegance of composition. My only aim has been to state plainly and freely what appeared to be truth, and I trust this will be received as an apology for any inaccuracies of style which may be discovered, and for such dogmatical and homespun expressions as may be considered inconsistent with good taste."

The best part of Mr. Shirreff's volume is an appendix of about one hundred pages, which he entitles "A View of the Canadas and the United States, as adapted for Agricultural Emigration." His travels were confined to the north and western states, as far back as Illinois, and to the Canadas. He landed at New York May 30th, 1833, and sailed again for Liverpool the following November. He seems then to have spent about five months in his

agricultural examination. A very considerable part of his journey was made on foot; not from an inability or unwillingness to incur the common expenses of travelling, but because he chose to pursue his investigations in parts of the country where stage coaches and horses could not penetrate. Before we dwell on his appendix, we shall make several extracts from his travels; they may be long without being tedious. Mr. Shirreff, as already stated, does not pretend to scientific or literary attainments; but it is evident that he possesses all the shrewdness and observation, said to be natural to Scotchmen. His character is composed and resolute, and while he attaches great importance to facts which he has observed himself, he is generally honest and cautious in the conclusions which he makes from them.

After a journey from New York to Philadelphia and back again, our traveller sets out to visit a celebrated seat upon the North River:—

“We left New York early in the morning, by the Albany steam-boat, for Hyde Park, after viewing which we returned to the landing-place on the river Hudson, and, at half-past twelve at night, stepped on board of a steam-boat which landed us at Albany a little after seven next morning. I got on deck at four, when passing the town of Hudson; the wind was blowing high from the north, and piercingly cold.

“Hyde Park, the seat of Doctor Hosack, is the most celebrated in America, and which Mr. Stuart describes as being ‘embellished as a fine residence and fine grounds in England.’ The house is situated some hundreds of feet above the level of, and at a considerable distance from the Hudson, the intervening grounds being finely undulating. In front of the house there is a road, leading from the landing-place on the river, along a small stream, over which there is an elegant wooden bridge, and several artificial cascades have been formed in its channel. The house is composed of wood, as well as the offices and lodges, painted white, and are very neat of their kind. The conservatory had been dismantled a few days before our arrival, by placing the plants in the open air; the collection seemed extensive and well kept. The flower garden is small, the walks limited, and both destitute of beauty. I am aware that most of the evergreens which impart loveliness to the residences in Britain cannot withstand the rigours of an American winter, but this circumstance is no excuse for the nakedness of Hyde Park walks, the aid of many native plants having been disregarded. The matchless beauties of the situation have not only been frequently neglected, but destroyed by stiff, formal, naked walks, and the erection of temples resembling meat-safes, without a climbing plant, which the country produces in endless variety, to hide their deformity, and harmonize them with the surrounding scene. In short, while I greatly admired the situation of Hyde Park, I do not recollect having seen a celebrated place where nature had done so much, and man so little, to render beautiful. The embellishments at Hyde Park, contrasted with those met with every day in Britain, place American landscape-gardening immeasurably behind, if it can be said to exist.

“The progress of a people in refinement and taste, manifested in a combination of nature and art, is commonly the work of time, and the decoration of grounds an unproductive investment of capital. Thus the residences of England having descended for ages in the same line, without the power of possessors changing their destination, may be said to represent the accumulated savings, labours, and tastes of many generations. In America the country has not been long possessed by the present owners, and property does not necessarily descend in the same line; and if to these causes be added the high price of labour, and the scarcity of capital, the state of the residences will be sufficiently accounted for. Dr. Hosack has great merit in what he has accomplished, but it is mockery to compare his grounds, in point of

embellishments, with the fine places in Britain, which have originated from circumstances which America is not likely soon to experience.

"Throughout the whole of my transatlantic tour, the inhabitants of the country manifested perfect indifference to the beauties of nature. It was rarely I could learn the name of a plant, with the exception of trees. Nurserymen, seedsmen, and farmers, were, generally, unacquainted with varieties, and, with the exception of two or three individuals, no one seemed interested in the matter. Rhododendrons grow as plentifully in many parts of the Eastern States as furze in Britain, yet I saw vast numbers of this plant shipping at Liverpool for Philadelphia, although millions of the same variety could have been obtained for the trouble of lifting, at no great distance from the city. Gardens and nurseries were overrun with weeds, and did not display beauty either in decoration or arrangement."

In a short time we find Mr. Shirreff at Lowell, Massachusetts, and the reflections suggested by the state of things in that manufacturing town, deserve to be extracted:—

"The females engaged in manufacturing amount to nearly 5000, and as we arrived at Lowell on the afternoon of Saturday, we had an opportunity of seeing those connected with some of the largest cotton factories retiring from labour. All were clean, neat, and fashionably attired, with reticules hanging on their arms, and calashes on their heads. They commonly walked arm in arm without displaying levity. Their general appearance and deportment was such that few British gentlemen, in the middle ranks of life, need have been ashamed of leading any one of them to a tea-party. Next day, being Sunday, we saw the young females belonging to the factories going to church in their best attire, when the favourable impressions of the preceding evening were not effaced. They lodge, generally, in boarding-houses, and earn about 8s. 6d. sterling per week, independent of board; serving girls earn about 4s. 3d.

"The recent introduction of large manufacturing establishments, thin population, and ample reward of labour, account for the apparent comfort and propriety of the Lowell young women. The situation of the manufacturing class in Britain is very different: nurtured amidst poverty and vice, they toil in crowded and unwholesome factories from infancy, often disregarded by parents and employers, and attaining maturity ruined in constitution and in morals, with few of the sympathies of humanity."

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"This village may be taken as an instance of the giant strides by which the United States are advancing to greatness, and the immeasurable water power nature has lavished on them. The canal supplies more water than the present machinery requires; and, after inspecting the surplus in the canal and rivers, I am of opinion, there is water enough to propel nearly one hundred times the machinery at present employed, and which might employ a population of above a hundred thousand souls.

"Britain is said to owe much of her greatness to the supply of coal with which she has been blessed; but however extensive and available it may be, the water power of the United States will excel it in cheapness and magnitude. The price of labour is, and will likely continue, much cheaper in Britain than in the United States, which seems the only circumstance that can ultimately give a superiority to the manufactories of the former."

The worthy citizens of New England will probably be surprised at some of the opinions of our East Lothian farmer:—

"The surface of the New England States is often hilly, always highly undulating, and the soil generally rocky, and of the most inferior description of sand. The staple crop appeared to be rye; and we did not observe fifty acres of wheat throughout a journey of 400 miles. The grass was scanty, and seemingly incapable of fattening oxen, from its inferior quality. The cattle, as already stated, were of a good breed, but often remarkably lean. Sheep were inferior, and so also were horses

used for farming purposes. The mode of farming did not meet my approbation; but perhaps bad land, like bad wives, can be managed by every one but by those who possess them; and a foreigner unacquainted with the peculiarities of the district cannot be an infallible judge of such matters. It appears to me, however, impossible that the New England States can furnish food sufficient for the population; and the time is perhaps near at hand when the whole produce will not do more than maintain the agriculturists, and supply the manufacturers with dairy produce, leaving their butcher-meat and bread to come from other districts. The present farmers find difficulty in earning a subsistence, and any thing paid in the name of rent must be truly insignificant.

"The villages of New England are uniformly clean, airy, and neat, with spacious openings near the centre, in which churches form the most prominent feature. Indeed, a village is seldom seen without having two or three churches of considerable size, composed of wood, painted white, and surmounted with a spire, and generally flanked with a considerable extent of shades for wagons and horses belonging to people coming from a distance. The houses are, in some instances, built of brick, but more frequently of wood, painted white, with green Venetian blinds, opening to the outside. Both churches and dwelling-houses seem to be painted annually; at least, they are never seen in the slightest degree dingy coloured. The houses of every size and fabric, have a light appearance from the number of windows they contain, the legislature not taxing the inhabitants for enjoying air and light through the medium of windows as in Britain. The houses seldom indicate either extensive wealth or poverty of the inmates; and although the architectural decorations are often in bad taste, and the materials of which they consist associated in the mind of the Europeans with instability, yet the general effect is highly pleasing, and the villages want only the judicious aid of flowers and shrubs to render them absolutely beautiful."

By a circuitous route, Mr. Shirreff reaches Niagara, and with the feelings of a British subject, hastens to the Canada side. His first impressions, however, are not favourable:—

"I could no longer conceal the disappointment experienced with Canada and its inhabitants. The Pavilion House, so much praised by travellers, lately purchased by a company, and puffed off by advertisements, was greatly inferior to the hotels in the States. The manners and customs of the people were essentially Yankee, with less intelligence, civility, and sobriety. The houses and fences were inferior to those of any district yet seen, and instead of the youthfulness and never-ceasing activity of the States, there seemed the listless repose of doating age. The brute creation partook of the change—horses, cattle, sheep, and pigs, being inferior to those on the opposite side of the frontier. If such was the state of things in Niagara district—the paradise of Upper Canada—little could be expected from other parts of the province. My friends, at first, seemed to regard my opinions as more the result of prejudice than observation, but in a few days after, they drew a contrast less favourable to Canada than I had done. No unprejudiced traveller can spend a few hours on either side of the frontier line without remarking the difference of the two countries, and as the people, soil, and climate, were originally alike, the circumstances in which the inhabitants have been placed must alone account for the dissimilarity. If governments affect the state of countries, politicians would do well to visit both sides of the river Niagara."

The same feelings seem to be excited during the whole journey through Canada. The cautious Scotchman is clearly a strong whig, or perhaps a moderate radical. He draws a sad picture of the emigrants passing up the St. Lawrence:—

"At Coteau du Lac our steamer took seven batteaux, or open boats, in tow, in one of which I counted 110 emigrants, of all ages, who were doomed to pass the night on board. Men, women, and children were huddled together as close as captives in a slave-trader, exposed to the sun's rays by day, and river damp by night,

without protection. It was impossible to look upon such a group of human beings without emotion. The day had been so intensely hot, that the stoutest amongst them looked fatigued, while the females seemed ready to expire with exhaustion. Conversation was carried on in whispers, and a heaviness of heart seemed to pervade the whole assemblage. Never shall I forget the countenance of a young mother, ever anxiously looking at twin infants slumbering on her knee, and covering them from the vapour rising from the river, and which strongly depicted the feelings of maternal affection and pious resignation. Night soon veiled the picture, and, I fear, brought no relief to the anxious mother. The navigation up the St. Lawrence in batteaux is accomplished by propelling them with poles, and is necessarily tedious. The accommodation is so wretched and irksome, that the emigrants' privations of transport may be said only to commence at Montreal, where they perhaps expected them to end, and when their spirits are ill fitted to bear up against them. Steam conveyance of late must have shortened their sufferings."

The delivery of letters of introduction to some newly settled countrymen in the county of York, gives occasion for a highly interesting description of two families "in the bush:" the extract is long, but will repay the trouble of reading it:—

"We at length found the object of our search, Mr. T——, walking in his fields with Mr. R——, whom I had seen at Kingston. Mr. T—— had only reached Canada the year before, and was not perhaps fairly set down. The farm he had purchased was mostly cleared, and he was summer fallowing a considerable extent of land, which was well ploughed, and laid off into regular ridges. He had bought all the manure in the neighbourhood at about sixpence per load, and was laughed at for having done so. The house was built of wood, and two beds were standing in recesses in the apartment where we breakfasted. Mrs. T—— apologized for the mean appearance of her house, which I assured her was unnecessary, as I found few in the country so good, and its shining cleanness imparted more interest to me than the highest glitter of British fashion. She was in excellent spirits, and entertained us with many particulars of her journey from Scotland. Arriving at Montreal when cholera was raging in a dreadful manner, and her husband being in a delicate state of health, no time was lost in pursuing their route. In passing up the St. Lawrence with her family and luggage, the boat admitted water so freely that she was forced to walk by the river side with an infant on her back. The population being panic-struck at the havoc cholera was making, shut their doors on emigrants, who, they imagined, had introduced the disease into the country, and she was under the necessity of baking bread for her family with her own hands, and firing it under a tree. After relating many particulars of their first settlement, she concluded by stating, that in Scotland she had three maid-servants constantly at her own command, here she had no servants, and was happier without them. On remarking it delighted me to find her in such excellent spirits and pleased with her situation, as the change from the old country to Canada appeared more trying for ladies than gentlemen, she replied with animation, 'O no, sir, ladies can manage their own department here, but gentlemen require assistance in theirs.' Mrs. T—— spoke with so much good-humour and feeling, that it would have been rudeness to have maintained an opposite opinion; and without investigating which of the sexes in the middle ranks of life undergo the greatest privations at first settlement, observation convinced me females get sooner reconciled to their duties, and discharge them with better effect, than males. Much as I have ever esteemed my countrywomen, they never appeared to so much advantage as in Canada, where their energies had been fully called forth and developed by the new circumstances in which they were placed, and their exertions induced me to regard many of them as heroines. Emigrants are desired to bring out wives to Canada, and I add my testimony to the justness of the recommendation. In almost every case that came under notice, my countrywomen appeared calculated to stimulate their husbands to industrious exertion, and some, under Divine Providence, seemed to owe almost all they possessed to their fair partners.

"One great source of rejoicing to Mrs. T—— was her husband's improved state of health since his arrival in Canada, which she attributed to climate. But

were I to judge of the matter, I would assign his change of circumstances as the more likely cause of his better health. Land in Scotland is almost always occupied on lease of 19 years' endurance, and perhaps there is no situation more trying than a tenant with an over-rented farm. In nine cases out of ten he cannot get quit of his lease, or a modification of rent; if he rise early or toil late, the fruits of his labour go to the proprietor of the land, and year after year he finds his funds diminishing, with ultimate ruin in prospective. Under such circumstances I have known individuals become drunkards, other gamblers; some have sunk into a premature grave, and but few minds remain in full tone, and still fewer constitutions. To escape from such a situation, and reach Canada, where the present may be said to be without care, and futurity so brilliant, must be a perfect Elysium and restorer of health. It is but justice for me to say, that I am altogether unacquainted with the circumstances in which Mr. T—— was situated in Scotland, but if like many of his profession, his improved health may be regarded as an effect of his improved prospects.

"We reached Captain A——'s, in the township of Blenheim, in time for dinner, having passed through miles of forests, in which a track could scarcely be recognised. The general appearance of the place had an air of neatness, although it was only fifteen months since the first tree was felled. He had already cleared about thirty acres, and reaped a luxuriant, though mildewed, wheat crop. Oats, potatoes, and Indian corn, were advancing towards maturity. Here, for the first time in Canada, I saw crops injured from luxuriance, and only two or three instances of such afterwards came under my notice.

"The residence of Captain A—— was within fifty yards of a rivulet which joined the Nith, the space between the house and the stream being occupied as a garden, in which the taste of the family had begun to be displayed in cultivating flowers. The house was a log cottage of considerable dimensions, one longitudinal half of which was occupied by a kitchen and sitting room; the other half consisted of sleeping apartments, which I did not number. The door opened into the kitchen, in which every thing was clean and neat, and which communicated with the rest of the house. The interior walls consisted of unbarked trees, against which an extensive library was placed, occupying one end of the sitting room. When retiring for the night, we were conducted up a stair into a kind of garret, where we were told we must sleep. At this time I had not seen much Backwood life, and my looks, perhaps, betraying astonishment, Captain A—— laughed heartily, and reconducted us to an apartment below, where I reposed for the night, on a more comfortable bed than any I afterwards met with in America.

"Next morning, I arose before any of the family, and while walking up the banks of the stream, ere the sun had peeped over the forest, enjoyed an excellent opportunity of observing the humming-bird of the country. Upwards of a dozen of these lovely creatures were feeding on the blossoms of a plant growing near the river, the celerity of their movements in examining and passing from flower to flower excited admiration, and when moving to a distance, the eye could not follow their rapidity of flight. A copious formation of dew had taken place in course of the night, which dragged their beautiful plumage in fluttering amongst the leaves, and they frequently retired to a fallen tree to trim their feathers. They seemed regardless of my presence, and plied their task within a few yards of me. They do not, like the bee, rest on a plant when examining a flower, but thrust their long bill into the heart of the blossom when suspended in air, and in this position excite the noise from which they take their name.

"Captain A——'s family consisted of eleven children, the eldest of whom seemed about seventeen years. He had moved in the best society of London, and in consequence of a sudden reverse of fortune, came to his present situation, and at once placed his family in the bush, without a servant or any one to assist them, and they bake, cook, wash, and do every thing for themselves. Mrs. A—— is a sensible woman, reconciled to her situation; and her household and family matters testify to her excellent management. Two sons, handsome, genteel-looking youths, about fifteen or sixteen years of age, chop trees, and perform all sort of farm work. The young ladies seem equally active in their department. I was anxious to see the cows milked, but unfortunately they had strayed in the woods, and could not be found whild I was there. It requires a considerable degree of heroism in people

like Captain and Mrs. A——, accustomed to the gaieties and luxuries of London life, retiring to the woods of Canada without a servant or any thing like their former notions of comfort, and whatever may have been the impelling motive for the step they took, their perseverance merits applause. It was an interesting sight to see a young and genteel family so situated and happy in their new position, and the pleasure experienced during my visit at Lamotte, was an ample recompense for crossing the Atlantic.

"In my progress through Canada I had witnessed female devotion of the most exalted character, which circumstances prevent me noticing, but the same reasons do not apply to the youths of this family, and I trust they will pardon the liberty I take with them. Two slender and accomplished boys, in a part of the world blighting to their first budding hopes and enjoyments, inuring themselves to the hardest manual labour in support of their parents, and infant brothers and sisters, is a picture of disinterested virtue worthy of being delineated by an abler pen. I trust their exertions will be crowned with success, and that a portion of time, which can be spared from furnishing food, will be devoted to the moral improvement of the younger branches of the family. What a source of comfort these youths must be to their parents, whose precepts must have had no small share in forming their character, and their conduct may be instanced as illustrative of the advantages of parental care, in a selfish point of view, where nobler motives do not exist. Their mode of life may be different from that of their schoolfellows in England, but in mature age they will look back with delight on their past labours, and in all probability, great will be their reward in this life, and greater in that which is to come."

The following quotation exemplifies his adventures of a different character:—

"The day proved hot—we dined at Delaware, a village of seven or eight houses, situated on the Thames, over which there is a bridge, and the road passes to the north side of the river. I was anxious to be present at a sale of Crown lands, which was to take place at Chatham next day, but we could not obtain the means of transport, and no alternative remained but jogging along on foot. We called at the land-office at Caradoc, and reached Mrs. Aldgeo's tavern an hour after night-fall, where we found two gentlemen who had passed us on the road in the afternoon, and one of whom I had seen at York. They were going to the sale of Crown lands at Chatham, which one of them did not reach in time, and the other remained at Mrs. Aldgeo's, having been slightly injured by a fall from a wagon.

"Mrs. Aldgeo's tavern is a log-house of mean appearance, having two apartments—a kitchen, and room for all purposes. It is, however, the most comfortable house of entertainment in this part of the country, owing to the excellent management and good-humour of the hostess. Four individuals slept in the same apartment, in two clean beds, in which we were told, by way of recommendation, the Chief-Justice and Attorney-General had slept a few nights before.

"The next morning proved wet, which enabled me to see a little of the economy of the establishment; and I particularly remarked a poor fowl very unceremoniously knocked off a rail fence with a stick, and in the space of twenty minutes presented at table in the shape of an excellent stew. Mrs. Aldgeo is a genuine Irish lady, from the old country, and her kindness and loquacity during breakfast, which she served out, were unbounded. She did not always wait for an answer to her questions; and with a few pauses, held forth in the following manner:—

"'I was married at the age of twenty-four to Aldgeo, then eighteen and a-half, and the finest-looking man in the world. I lost him six years ago, God rest his soul! it was a sad loss to me as—but of this no more. Yes, my poor dead husband left four horses, fifteen sheep, twenty cows, forty hogs, ox chains, auger, gimlet, and other farm utensils. Will you take something more, Mr. ———? I will help you to a little more of the fowl; you must eat while under my charge, and not become thin—there, take an egg. Here is an elegant potato from the garden, where they are planted for the old woman, as she has not time to go to the fields. My boy will sometimes say, ah, mother, leave the gentlemen to themselves; but I like to press old-country gentlemen, when not proud. I never press Yankees; them boys help themselves. Yankee women are lazy good-for-nothings, eating cake and sucking

sugar all day long. I attend to man and beast. Yes, there is no one to assist me in the house, and I look to the fowls, hogs, and cows; in the evenings, my feet are like to drop out of my shoes. Do you see that field on the opposite side of the road?—my hands burnt all the brush on that field. Do take some of the bread baked by the old woman; I bake some every afternoon—that is handsome bread. The Scotch lawyer below, with the wooden leg, and angel children, brought his pretty little wife here to learn to make bread. I use no barm, but mix two parts of milk and one of water together, add a spoonful of salt, a little flour, and let them stand ten or twelve hours by the fire. Then make the bread with milk, as water gives it a black colour. I make my own soap—oh, darling soap—and never boil it. My boys have not taken wives, but my two eldest daughters are married. Did you observe an elegant store at the corner of ——— in London? that belongs to my daughter's husband. My youngest girl is at a boarding-school in London, where two ladies from England have lately commenced, and I pay for my girl \$39 a-year."

His "notices of nature," as he himself calls them, are sometimes eloquent, and always faithful:—

"On gaining the outside of the door, the freshness of the air was delightful. The sky was cloudless, and in walking through the trees, the parquets fluttered from their resting-places with a shrill cry. On reaching the opposite side of the wood, herds of cattle were seen streaming from the forest, and the smoke of the morning fires ascending in graceful columns, undisturbed by the serene atmosphere. The prairie-hen rose from the pathway with a purring noise, and the little gophers stood on end, and seemed to regard me as an intruder. The sun peered above the prairie, as if rising from the ocean, and gilded the nodding sunflower, whose brilliancy was heightened by dewdrops sparkling on the blossom leaves, and with which I washed my face. Nature was decked in a winning garb, and the events of the previous evening were forgotten in wooing her beauties."

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"The word prairie is derived from the French, and signifies meadow. In America it means grass-land naturally free from timber, and is used in this sense by me. Prairies have not been found in the eastern parts of North America, and many conjectures exist regarding their origin in the west. The general opinion is, they originated from, and owe their continuance to, the agency of fire. It is quite certain fire sweeps over them, at present almost every autumn, destroying the entire vegetation on the surface; but whether proceeding from human or natural agency remains unsolved, and it probably arises occasionally from both. The burning must destroy seedling-trees, which would otherwise perhaps occupy the whole surface by the wafting of seeds; and the continuance of prairies may be, in many instances, owing to fire; but after having seen them in all situations, it does not seem to account satisfactorily for their origin. Prairies of a few yards' extent are found in the midst of dense and extensive forests, and rows of trees jutting miles into the open country, without visible agency to account for their preservation. Fire cannot be supposed to have originated the first case, nor the absence of it the last, as it is seldom so partial in its effects. I have no theory to offer instead of fire for the origin of prairies, which seem productions of nature. The localities of plants are often found to be partial, and Britain exhibits furze, heath, grasses, and different species of trees, exclusively occupying the surface of certain parts as natural productions. In America, trees vary in number on a given space, from the dense forest to the oak opening, with half-a-dozen trees to an acre. Unless it be maintained that nature has allotted a certain number of trees to a given extent of surface, it will be idle to deny her handiwork in having formed oak openings and prairies, which are met with in all situations, and which often seem to merge into each other.

"My friends in the Canadas used every argument to dissuade me from journeying to the junction of the rivers Mississippi and Missouri. They represented the country through which I intended passing as a pestilential swamp, inhabited by demi-savages and dangerous animals. If, perchance, I escaped disease and enemies, I would become low-spirited in the wilderness, and to proceed alone and unarmed, would be little short of insanity. But how different was the result! With the

companionship of nature, and the God of nature as my protector, want of company and fear were unfelt, and I regard my wanderings on the prairie as the most pleasing and instructive period of my existence."

After many wanderings and dangers, we find our East Lothian again in the United States, and as far as Louisville, Kentucky. He celebrates his return to a republican country, by an attack upon some of the positions and statements advanced in Mr. Hamilton's "Men and Manners in America." The Scotch *littérateur* fares badly in the hands of the Scotch farmer. Several amusing and poignant things might be here extracted, but we have still much before us, and moreover Mr. Hamilton and his book are now alike forgotten. One short paragraph must suffice:—

"In the early part of my tour, I remarked that, without sound judgment to discriminate and appreciate information, the gleanings and impressions of a traveller will be as apt to mislead as instruct, and his lucubrations will often be found more illustrative of his own character than of the people and country he visits. When penning this sentence, I had not another individual in view than the one treated of, and it is, perhaps, fraught with more truth than may at first sight appear. The wielders of the pen and pencil seem to be fond of portraying their own likeness, and the narrative of most travellers will be found stamped with their character. Truth ought to be the first object with every writer of travels, and is perhaps, like beauty, "when unadorned, adorned the most," and wherever it is lost sight of, the highest endowments may become prostituted in misleading others. It must, however, be admitted, that the best intentioned writer may become the dupe of appearances, resulting, perhaps, from his own feelings and prejudices. There are also some writers who aim at producing an effect on their readers unconnected with the subject treated of, and in such cases a traveller's narrative frequently becomes absolute fiction. I shall not say in which class of travels "Men and Manners in America" may be ranked, or whether parts of the work appertain to different classes; but I do not hesitate in saying, that the author's conclusions did not always appear to me to be just or consistent with sentiments expressed in other parts of the work. This seemed to be particularly the case in some speciously written paragraphs on the political prospects of the Union, which many of the people in Britain, who read the work, did not perhaps observe."

Mr. Shirreff has not failed to observe the aristocratic feeling that prevails in many parts of the United States, and he writes sensibly on the subject:—

"It must be evident to every person who has visited the United States, that wealth has already obtained a prominent place in many parts of the country. That there are distinctions and classes in society, will not admit of doubt; and from the constitution of human nature, it cannot be otherwise in a civilized and numerous population."

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"*Liberty and equality*, as understood in Britain, is not to be found amongst the inhabitants of the United States. The people must obey the laws, which impartially affect the whole population, except in the case of suffrage; a privileged class by inheritance, creation, wealth, or purchase, being unknown. The laws are founded on the principles of freedom, and the mass of the population may be said to be politically equal. Here liberty and equality of the United States is applicable only to the political condition of the inhabitants, and in this relation must be taken in a restricted sense.

"Aristocracy seems inseparable from civilized society, and an individual, by attending to the communings of his own heart, will perhaps be convinced that its spirit pervades the life veins of humanity. In almost every quarter of the globe, it

has at some period attained strength, and from the earliest ages, the earth has been watered with the blood of the best and bravest of mankind, in attempts to check the workings of its spirit. The form of aristocracy is already raised in the United States, and many of the citizens, when conversing with me on the institutions and inhabitants of their country, strongly displayed a feeling of aristocracy. If there is latent danger to the constitution of the Union, in the present state of things, it is from the seeds of aristocracy.

"Human nature is said to be the same on both sides of the Atlantic, and the population of the United States and Britain having sprung from a common source, and inheriting the same natural dispositions, the growth of aristocracy in the former might be inferred from the experience of the latter, provided all the circumstances affecting the inhabitants were similar. But history does not furnish a parallel to the United States, and the experience of past ages, and analogies of other countries, are inapplicable to them."

His liberal sentiments as to the slave question, should perhaps be attributed to his political opinions:—

"There are many pretended philanthropists in Britain, who feel keenly for the sufferings of the coloured people in distant countries, and do not sympathize with the unfortunate beings of their own complexion at home, who proclaim to the world the sinfulness of slavery, and yet strain every nerve to retain the unjust fetters of their own countrymen, and who lament the negro being an object of prejudice in the United States, while they regard most of the white people around them with the same feeling. In America, the inhabitants of the southern states talk of the tyranny of Europe, and the degraded population of Ireland, while the sound of the lash, and the moanings of their own suffering slaves, ring in their ears; and in Britain, the cruelty of the American slaveholder, and the injuries of his oppressed slave, are desecrated on by people who actively engage in withholding just rights from the lower orders of their own countrymen, and remain insensible to their base condition. Such is the shortsightedness and inconsistency of man over the world. At a distance, he sees oppression in others, and sympathizes with its victim, while insensible to his own tyranny and its effects at home. Almost all the evils which afflict humanity, originate from the passions of man. Slavery in the United States, and the degradation of the Irish peasantry, sprung from the same source—the aristocratic feeling of the people of England."

We shall take at random some of his graphic pictures and scenes in the north western region:—

"I met many old-country Yorkshiremen at Detroit. The ostler who received my horse was from that county; a flash fellow, strutting the streets with a scarlet frock coat, collar and pocketlids of black velvet, with top boots and buckskins, was a Yorkshire tailor; and a Yorkshireman was entertaining many listeners in the bar-room of the hotel while dinner was preparing for me, having arrived after the regular hour. This character was dressed in his smock-coat, with tight lacing boots and leggans, as if from his native country a minute before, and was telling cock-and-bull stories about his shooting feats with Lord Liverpool and other great men, as their companion. His language, dress, and appearance formed a striking contrast to the grave, thoughtful-looking Americans, who did not make a remark or alter an expression of countenance indicating their opinion of Yorky; yet they seemed to be eyeing him with a keenness, as if measuring the strength and depth of his character."

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"After riding about a mile we came to a tavern called the Doctor's, inhabited by a practitioner of medicine, getting the appellation of Doctor, although in all probability not holding a diploma.

"The Doctor, on our arrival, was drawing water from a well built with stones, which is uncommon in this part of the country, few people taking so much pains to keep their water free of mud. The travellers acted as their own ostler. On entering the house, which was a small log hut of one apartment, I found a wife, four or five children of different ages, and two travellers, one of whom was called squire, which

is, I believe, synonymous with judge, and corresponds with justice of the peace in Britain. For some time I was puzzled to conceive where we were all to sleep, and at length four of us were shown up a ladder into a garret, or cock-loft, in which there were two beds. I took possession of one in partnership with the squire, who told me, before going to sleep, that he had lately suffered much from fever, and finding himself unwell, he had stopt here for the night, instead of proceeding to Chicago. On rising at daybreak, I found two travellers sleeping on the floor at the foot of the ladder. The Doctor, his wife, and two children, lying in bed in the ordinary way and other two children lying across their feet. After seeing the exertions made by this family to accommodate strangers, and the consequent uncomfortableness of their own situation, I felt thankful for the poor half bed allotted me, and in course of my travels duly appreciated the most homely fare and accommodation, when it was the best my entertainers could supply."

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"Pekin, sometimes called Pekin-on-the-hill, is situated on the Illinois, and is progressing rapidly."—"For three days past I had been without shoe-ties, both having broken after leaving Chicago, the bark of trees having since then been substituted. I made application for a supply at different stores in Pekin, without success. In one instance I found the storekeeper stretched at full length, with his back on the counter, and his feet touching the roof. At first I did not observe him, as the light from a candle was faint, and I was surprised at hearing human sounds proceeding from such an unseemly thing. He answered my inquiries regarding shoe-ties dryly, without altering his position. On retiring I purposely left the door of the store open, with the view of rousing him from his unelegant posture. My stratagem did not, however, succeed, and I began to think the individual might be a philosopher engaged in study, instead of a demi-savage, which his behaviour at first led me to suppose."

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"On passing a cottage, before reaching Sangamon river, a girl was drawing water, from whom I asked a drink; she went into the house and brought a tumbler, which she filled with indifferent water, and handed over the rails. When about to depart, a woman of prepossessing appearance came to the door, and asked me to enter the house and shelter myself from the sun. I thanked her, and in return, said I was anxious to reach Springfield in time for dinner. She told me her husband, who was sick, liked above all things to converse with travellers, and hoped for his sake I would enter the house. There was something so earnest in the woman's manner, that I would have found difficulty in resisting her entreaties at any time, and on the present occasion my inclination yielded a willing assent.

"The husband was stretched on a clean uncurtained bed, and appeared in a most debilitated state. He brightened up by degrees, and showed he possessed a good deal of information. He was particular in his inquiries about Ottawa, on the river Illinois, to which he had some thoughts of removing, as he had resolved to leave his present situation, where he had resided for six years, on account of the scarcity of water. His health and that of all his family had been good until the present time, when he was seized with fever, which he thought the doctor had broken. He regretted that his weakness could not stand cooking meat in the house, but if I could partake of other food, his wife would place it before me. A snow-white cloth was spread on the table, followed by bread, milk, butter, and preserved fruits of excellent quality, and to which I did justice. On departing, I received an invitation to call at the house if ever I passed in the direction."

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"We met and conversed with the members of several families moving into Missouri, with the view of settling in the remote parts of the state; and I met one before crossing the Mississippi, on his return from it, in consequence, he said, of its unhealthiness. Local attachments seem to be the sheet-anchor of man, and when they are once broken, or exist weakly, he becomes restless, and unhesitatingly follows any ignis fatuus that may dance before his imagination. From this source the erratic habits of the American population may perhaps arise, as well as many of their peculiarities of manners and customs. But without pursuing this subject into its various ramifications, I may remark that the temporary houses, fences, and generally un-

comfortable nature of a Western American farmer's establishment, may be the result of constantly looking forward to departing from his residence, and seeking to have little property but what can be easily transported."

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"The use of tobacco in every shape is, to a certain extent, an abomination, and the preference or dislike given to one mode of consumption over another, arises from habit. The smoking Dutchman, chewing American, and snuffing Scotchman, may be objects of disgust to each other, and all of them perhaps abhorred by a fastidious person who dislikes the use of tobacco in any shape.

"I have already alluded to the shabbiness of my attire on leaving Montreal, and after having travelled so long and so roughly, often not unrobing for the night, my clothes had become literally threadbare. My hat was originally of white silk-web of bad quality, and now almost without wool. My appearance would have betokened mendicity in Britain, and procured pecuniary assistance from the humane; but in the countries through which I had latterly travelled, charity is never asked nor bestowed, yet my garb had its advantages; it brought me in contact with all classes of the inhabitants, without exciting suspicions of any kind, and enabled me to see them in their real character. My unpretending appearance and deportment could not call forth the democratic rudeness which assumed or presumptuous superiority seldom fails to experience, in almost every portion of the United States; and the sycophant, if such exists in the valley of the Mississippi, had nothing to attract his notice.

"The safety of my person and property may have been aided by the meanness of my dress, which possessed no allurements to the robber, thief, or swindler. My position as a traveller in the Western United States, and Upper Canada, differed from that of many British travellers who have visited the countries, and I shall leave others to judge if it was calculated to promote the object of my journey."

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"I found the hotels gradually improve on leaving Springfield, Illinois; and many of those in the State of Ohio appeared to be every thing a reasonable person could wish, with the exception of the want of single-bedded rooms. Water was always placed for washing without being asked for, and a bell communicated with each room. The waiters and helps of the States are said to dislike being summoned by the sound of a bell, any many travellers have assigned this as a reason for the want of bells. But such a feeling in all probability never existed, as the guests of every hotel are first warned, and afterwards summoned to each meal, by sound of bell, and it is preposterous to say waiters are averse to the like call. Meals are served at fixed hours, when all the company sit down together. In good establishments, the principal joints at dinner are carved by the landlord and waiters, often at side tables, and the company seldom assist in the office. Abundance of iced water is on the table during summer, occasionally cider, and very rarely brandy. Wine may be had for payment. The company leave the banquetting room when the meal is over, and do not gain admittance until summoned. A number of smart attentive waiters skip about the room, and often anticipate your wants. They are generally addressed in a whisper, and in all the eastern states of the Union a loud tone is never heard at table. The conduct of some people in Britain, who command attention by oaths and noise, does not suit this region of America, where the mild and unassuming are never neglected. A friend of mine, on his first entrance to the public tables of New York, spoke to the waiters in the strains he had unfortunately accustomed himself to in Britain; they pretended not to hear him, and he found difficulty in getting his plate changed; while his companions, by adopting a different course, had the waiters pressing them to the principal dishes on the side-table, and paying the most assiduous attention. Civility is at all times duly appreciated by the establishment of hotels, and foreigners will find much annoyance in attempting to dispense with it. The morning and evening meals are served with the same regularity, and ample attendance, as the dinner, &c. A profusion of animal food is placed on the table, and the quantity increases in proportion to want of refinement in the people of the district. Boots and shoes are deposited at night in a fixed place, where they are found cleaned in the morning. Slippers, and bedroom lights, are obtained at the bar. As a general rule, wants are stated at the bar, and from this place orders are

given to servants for supplying them. All the bells of the house communicate with the bar-room, and the bar-keeper sees that the call of a bell is attended to. Throughout the whole of my intercourse with hotels in the United States, I did not receive an uncivil answer, or experience neglect from any one connected with the establishment, and every request which I made was cheerfully complied with. The landlords are much less fawning in manner than those of Britain, but equally civil and anxious to oblige."

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"Having made up my mind to pay a second visit to Upper Canada before returning to Britain, and wishing to take Cincinnati in my way, I hesitated whether to proceed by stages, through Illinois and Indiana to Louisville, or by a steam-boat down the Mississippi, and up the Ohio. Having more than once experienced the deceitfulness of information obtained from stage-office people in Britain, and disliking the information got at the offices of St. Louis, I determined on travelling by water, and, learning the *Helen Mar* was to sail in a few hours afterwards, I immediately secured a berth.

"The passengers consisted of both sexes, of all ages, and of different professions. The ladies were never seen but at meals, keeping their own cabin at other times. The gentlemen were well dressed, and invariably civil to each other, General A—— being the least polished in manners and appearance of any of the company. The captain was an unassuming person, whose voice was seldom heard, and never in connexion with an oath, either in the cabin or amongst the crew. There was only one cabin passenger addicted to swearing, who had formerly been captain of a steam-boat on the Mississippi, and was now engaged in trade at St. Louis. The officers of the army, and one or two others, passed part of the evenings in playing cards, at a game which I did not understand, and at which they did not seem to hazard high stakes. On such occasions, I was sometimes amused at the group assembled around the table. Military men of the highest rank, when eagerly intent on the game, were joined by the steward boys without their coats, familiarly seating themselves at table, and looking on the hands of cards. The chewing and spitting of tobacco were incessant, the carpet serving as a receptacle for the moisture, when boxes were not within immediate reach; and on some cold evenings the fire in the cabin was almost overcome by squirting of tobacco juice.

"The comfort of the passengers was little attended to in the general arrangements of the vessel. Three times a-day, at breakfast, dinner, and supper, which also includes the repast known in the Eastern States, and in Britain, by the name of tea, the table was stored with supplies of animal food and vegetables, so very ample, that on one occasion I numbered thirty-one dishes placed on the supper-table for twenty-two passengers, and, perhaps, in no instance was there ever less than one dish for each individual. The food was coarsely prepared, and all placed on the table at once, and nearly cold before the company sat down. There was always a second company, consisting of part of the boat's establishment, and such deck passengers as chose to pay for their food; and sometimes a third company collected, independent of the people of colour, servants or slaves to the passengers, and who satisfied their hunger on the veranda. The succession of companies received no additions to the fare originally placed on the table, and such an injudicious arrangement was the means of rendering it less palatable to all. The vessel called three or four times a-day at different places, yet, on one occasion, bread could not be had for breakfast, and milk or cream were more than once wanting without any notice being taken of it at table. There was no water for drinking or washing but what the rivers supplied, and this was even the case on the turbid Mississippi, the water of which was allowed to separate from the sediment before being presented at table. The inhabitants of the Western States are considered by those of the Eastern ones as wanting in refinement, and the table being loaded with the substantialities of life, while good water and milk, two of the most desirable of liquids, and which might at all times have been obtained on shore, were wanting, appeared a strong indication of coarseness. The passengers drank in the greatest moderation in my sight, only taking a tumbler of spirits and water occasionally when playing at cards, and never tasting wine or any kind of spirits at table at other times. I did not observe a person of any

description on board, during the voyage, that appeared in the least degree intoxicated.

"The cabin being in the stern of the vessel, I spent much of my time in the fore-castle, for the purpose of seeing the scenery, which brought me in contact with the crew, and many of the deck passengers. In this class of people I found a considerable change of manner from any I had formerly come in contact with. Many of them swore disgustingly, and possessed a general levity and coarseness of manner, but in no instance did I experience incivility."

We have rarely met with a paragraph written in a better spirit than the following:—

"For weeks together I seldom entered a house which was not the scene of human suffering. Associating with disease and pestilence, I conversed at the bedside of the fever patient, and rubbed the muscles of the victim of cholera. I had been exposed to the effects of solar heat, night-damp, rain, cold, hunger, and fatigue. Few people perhaps ever enjoyed so large a measure of health as fell to my lot during my wanderings in the western parts of inhabited America, and at no period of life did I possess so much mental and bodily vigour. While I gratefully acknowledge my health and strength to have emanated from divine agency, I may state my habits were strictly temperate, having denied myself every liquid but water and tea. The trammels of society prevented me trying the effects of absolute temperance at an earlier period. They exceeded my expectations, and from experience, I recommend temperance to all who wish to enjoy life."

The last extract we shall make from this part of Mr. Shirreff's book, has a direct bearing upon the question of currency, which, a short time ago, was discussed with so much warmth in this country:—

"Before leaving New York, it became necessary to change my American money into that of England, which was easily effected. The chief currency of the United States is paper, and consists of one dollar bills and upwards. The currency passing at par in one state, is often at a discount in the adjoining one; and as the value of almost the whole paper currency is published weekly in the newspapers, little loss need arise. Travellers often complain of loss sustained on paper money in passing from one part of the country to another. I supplied myself with large dollar bills of the United States Bank, which passes current throughout the Union, and on changing which, the hotel keepers and coach-office keepers asked me the direction I meant to travel, and gave me silver coin, or such provincial bills as they knew would pass at par. Throughout my whole tour, I did not lose a cent by depreciated paper currency."

We now come to the Appendix, which we have already said is the best part of the book. From this production Mr. Shirreff must be considered as far beyond the common caliber of East Lothian farmers. It is, in some respects, a remarkable one, and is superior both in style and conception. The facts seem to have been carefully collected, and honestly stated, and the reasoning is well conducted, although it sometimes clashes with the principles of modern political economy. There is an occasional affectation of mathematical knowledge, in which Mr. Shirreff's attainments were probably superficial; but the whole performance would be creditable to a man of much higher pretensions. At the outset, soil is considered a work shop; air, moisture, light, and heat, raw materials; plants and animals, machinery.

"From whatever sources arise the materials which compose and sustain organized bodies, no symptoms of decline can be discovered in them. Nature seems to be a system of continued reproduction, and, when aided by man, of progressive increase.

"The quantity of matter which has been organized since the beginning of time must be immense. But whether the world is viewed in whole or in portions, nature has no appearance of decay, but seems a manufactory producing new fabrics, which are again reduced to their elements, in endless succession. Generation succeeds generation, and year after year furnishes sustenance. In the operations of nature there is no loss of materials—and when they are aided by human industry, she generously rewards man with an increase of her returns, and continues to reproduce the increase. The bounties of nature seem inexhaustible, and, in some measure, proportioned to man's industry."

Mr. Shirreff has taken this idea of reproduction from the well known "*Vues de la Nature*" of Buffon.

The limited power of our senses does not enable us to understand the general operations of nature. The existence of decay and of death in this world, has been long considered a proof that it is imperfect and transitory. Were we able, however, to observe the things around us with a superior intelligence, their aspect would at once be changed. Death and life, decay and reproduction, would seem but the means to vary and preserve their freshness and vigour. And in the eternal succession of new and beautiful objects, the irregularities of nature, the pains and the destruction of animal existence, would be like the gilded dust that floats in the sunbeam. The earth has ever been beautiful. From the beginning, immutable laws have governed its silent course, which it has pursued unwearied through the lapse of ages. Multitudes of material beings have inhabited its surface—they enjoyed their existence, and were gathered to its bosom. The germs of life, and the sources of pleasure, can never be exhausted, and it now rolls on, fruitful and vivifying, as at the moment of its unknown origin. In such a view, what should become of our selfish complaints and endless discontent. Were men willing to be benefited by their own discoveries in science, the most important use of modern physics would be to teach them silence, if not gratitude. But they will not believe themselves merely the links in a common chain. They imagine that all things have been created for them, and, unmindful that feebleness and mortality entered originally into their brief existence, they embitter the present, without improving their hopes for the future.

It is time to come back to the Scotch farmer. We left him endeavouring to explain his system of considering soil a workshop. He is not successful in this explanation; but he soon becomes far more intelligible in a relation of the condition and prospects of the East Lothian farmers. As this relation precedes a comparison between British and American agriculture, and the price of labour and produce, it may be well to mention briefly, that East Lothian, or Haddingtonshire, is one of the most flourishing of the Scotch counties. It is directly east of Edinburghshire, and has several

convenient harbours, along with the advantage of some fishing towns. In an agricultural view, it has long been celebrated as fruitful, rich, and pleasant, and is said to be equal to most of the English counties. Lands in East Lothian, Mr. Shirreff says, are generally occupied on a lease, which endures nineteen years.

"On the termination of a lease the farm is generally advertised to be let by receiving written offers on a mentioned day. The landlord and his agent knowing little about its value, a tenant is accepted after every attempt has been made to obtain rent above the written offers, by operating on the feelings and local attachments of the former tenant, which seldom fail to ripen during a lease. From all parts of the country candidates of different descriptions appear. Men of sanguine temperament, without calculation, unacquainted with the peculiarities of the district, and looking forward to the prices of produce returning to what they were upwards of twenty years ago. Adventurers, trusting to get a reduction of rent after obtaining possession, and reckless of the consequence of the step they have taken, having perhaps little capital to lose, and content to live, year after year, dependents on the property, and with arrears of rent accumulating. People merely wishing a place of residence, and not calculating on profit from the farm, having the means of living from other sources.

"Such is the state of East Lothian farmers, that during the last twenty years perhaps three-fourths of them have not fulfilled their original contracts, and the funds that have been lost in cultivating the soil is incalculable. I have known a tenant rent a farm with a capital of seven thousand pounds sterling, consisting of about 400 acres, and remove from it before the expiry of his lease, with only five hundred pounds in his pocket, and in arrears of rent to his landlord the sum of three thousand pounds. Mr. —, of our acquaintance, on a farm under 100 acres, incurred twelve hundred pounds of arrears, and got off by paying only two hundred of them. With such competitors, a young man who must live by his profession, can hardly wish to be successful. The obtaining of a lease at the present time may often be considered little better than the first chance of being ruined, and many tenants, after leading anxious lives, and exposed to the insults of rent exactors, may think themselves fortunate if they escape with a remnant of their fortunes."

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"The capital which is required to put the operations of an East Lothian farm in full motion, the tenant maintaining himself and reaping a crop without the aid of credit, may be stated at seven pounds sterling, or nearly thirty-five dollars per imperial acre. The rent which is stipulated to be paid, and the capital expended in fertilizing the soil, renders the step which he takes a serious speculation. If a bad crop or two occurs at the commencement of the lease, the tenant will be unable to pay the rent, and he is then deprived of the lease, or allowed to continue a dependent on the estate. Being bound for nineteen years, he has not the option of removing from the farm, and is very seldom permitted to do so while a tangible farthing of his funds remain. At all times he leads an anxious life without bodily toil, and is seldom remunerated for his exertions and risk of capital. Industry and enterprise may enable him to struggle to the end of his lease. Should he die and leave a wife and young family, the unexpired years of the lease would in all probability ruin them, his funds being liable for the rent, and they would be incapable of managing the farm without incurring great loss. Two thousand pounds may be stated as an ordinary capital to commence farming with; and it is hopeless for a person without considerable funds to think of farming at all."

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"The rural population of East Lothian appears to be undergoing an unhappy change. The management of landed property is almost entirely entrusted to agents, who, like the middlemen of Ireland, have no permanent interest in the soil, nor sympathy with its cultivators; and, like that country, East Lothian now suffers from the effects of absenteeism, so far as the interests and feelings of the rural inhabitants are concerned. The landholders and tenantry are unknown to each other, and dislike may sometimes be traced in both parties. The tie of farmer and ploughman

is waxing weak, and instead of the quietness of conduct which now pervades all classes, a very few years may develope the troubles of Ireland, and the south of England.

"It has already been stated, that nature contributes much towards the manufacture of farm produce; but the fruits of her exertion do not benefit the tenant nor operative. The landholders receive as rent all that results from nature, and also a considerable portion flowing from the tenant's capital and the operative's labour. The tax which the corn-laws impose on the unagricultural portion of the population, for the benefit of landholders, is collected free of expense by the tenantry. The ragged and half-starved peasant of Ireland labours amongst, and begs from the people of Britain, and, on reaching home, gives his earnings to the owner of the soil, that he may be permitted to exist only on the potato he himself cultivates. The East Lothian tenant of the present day is often not more happily situated, gradually paying the landholder the earnings of early life, or inherited wealth, for the privilege of occupying the soil, and returning its produce. It is fortunate landholders do not possess the power of preventing the population removing to other countries, and there growing produce for themselves."

Although Mr. Shirreff has disclaimed "feelings of bitterness or reproach," in this description of the state of things in East Lothian, when he comes to the other side of the picture, it is quite plain that much of his colouring proceeds from his political views. He is a radical; and we may expect, that the stock at Mungoswells will, before long, be transferred to the blooming territory of Illinois, where his brother has probably already settled himself, in spite of damps and agues.

"In East Lothian the farmer gives the fruits of nature and part of the results of capital and labour to the landholder as rent. In western America the farmer shares nature's bounty with the labourer, or enjoys it himself by labouring with his own hands. In East Lothian the farmer of the present time is in some degree the servant of the landholder. In western America the farmer has nature for his servant, or at least enjoys her labours. With such an assistant what industrious man can be poor?"

"In the event of death or old age, nature still continues her services to the American farmer, by furnishing grass and other commodities. A widow or young family, almost under any circumstances, could milk cows and plant potatoes. Bountiful nature would provide grass for the animals and mature the potatoes, on the produce of which the family might live. In East Lothian a widow or young family, after being ruined, would be turned adrift on the world.

"In the eastern parts of America land may be purchased and stocked for nearly the sum an East Lothian farmer expends in stocking and improving a farm, namely £7 per acre. But if the land has great local advantages, the price will be considerably higher. In the western parts of the United States, prairie land of the best quality, without the least obstacle to cultivation, and to any extent, may be had. For the sum of three hundred pounds sterling a farm of 200 acres could be bought and stocked in the prairies of western America. In East Lothian farming is a hazardous calling; in America there is no risk attending it. In East Lothian £2000 is required to stock a farm; in the Western States £300 will purchase and stock one nearly of equal size. In East Lothian a farmer has mental annoyance with bodily ease; in America he has mental ease with personal labour. In East Lothian a young farmer commences his career in affluence, and at middle age finds himself in poverty; in America he begins with toil, and is in easy circumstances by middle age."

This is all very well, but Mr. Shirreff will hardly persuade even the most sanguine of his countrymen, that there is no risk attending farming in America. Clearing a forest and enduring ague and fevers, such as he has himself described, is a very serious busi-

ness, and he really seems to be expecting too much from "bountiful nature," when he speaks of the facility with which a widow and her young family could provide for their own subsistence, by milking cows and planting potatoes in a western prairie. Small landholders of England or Scotland, such as Mr. Shirreff appears to be, would lose by emigration to this country. They would not be patriotic citizens for us, and, unless very fortunate, would soon become discontented. Their system of farming, their habits and mode of life, would all be unsuited to the new soil and climate. Their funds, it is true, could be re-invested in much larger tracts of land, but these lands would require time to be made productive, and a single mischance might be the cause of ruin. Their families, accustomed to the comforts enjoyed by the smallest landholders of England and Scotland, would be astonished at the general indifference around them, to what they had considered the decencies of life; and the additional importance they would feel from the increased size of their farms, would not repay them for their incessant labour and anxiety, nor enliven the cheerless solitude of their new homes. Were they assailed by disease, their situation would at once become wretched; for it must be borne in mind that this kind of emigrants have no surplus funds. The whole of their small capital must be invested in land and stock, and if any cause prevent the returns, their means of living are gone.

On the other hand, common tenants and hinds—now civilly called agricultural operatives—would generally gain by the change, because the price of labour here is higher, and because they have nothing to lose. They have always been accustomed to an uncertain and transitory way of providing for their wants, and wherever they go, they look for nothing better. Moreover, according to Mr. Shirreff, they are every where poor and oppressed, and without local attachments, and the sooner, therefore, they prepare for removal, the better. There can be little risk of disadvantage in plunging into the sea from a sinking ship.

The emigration, of late years, from Great Britain to the Canadas and the United States, has been extraordinary. It is agreed, that the old country has lost multitudes of useful and industrious citizens; but, that the new one has gained by their transportation, is by no means so generally admitted. We have no time now to notice the facts of this question. Whatever they may be, the number of emigrants will doubtless go on increasing. Their hope of bettering their condition is too strong to be affected by the failure of their friends who have preceded them, and in a single instance of success, they forget how many have sunk to hopeless penury and want.

Three chapters are now devoted to the agriculture and prospects of Upper and Lower Canada. This part of the Appendix is written with great ability, and our traveller's statements appear to be gene-

rally accurate. A few extracts will tend to confirm our opinion of his politics, and will also have some bearing upon the question of emigration.

"The greater portion of British emigrants, arriving in Canada without funds and the most exalted ideas of the value and productiveness of land, purchase extensively on credit, and take up their abode in the midst of the forest, with the proudest feelings of independence, and in the confident hope of meeting their engagements, and becoming fine gentlemen at the end of a few years. Every thing goes on well for a short time. A log-house is erected with the assistance of old settlers, and the clearing of forest is commenced. Credit is obtained at a neighbouring store, and at length it is found necessary to work a day or two in the week for hire to obtain food for the family. The few garden stuffs and field crops, grown the first year, produce little for want of a free circulation of air, and the imperfect manner in which they had been sown. Should fever and ague now visit the emigrant, which is frequently the case, the situation of himself and family, enfeebled by disease, is truly wretched. Hope is, however, still bright, and he struggles through the second year, with better crops and prospects than the preceding one. The third year brings him good crops, which furnish a supply of food for his establishment. During this period he has led a life of toil and privation, being poorly fed and most uncomfortably lodged. But the thoughts of owning so many fair acres has been a never-failing source of joy and sweetener of life. On arrival of the fourth harvest, he is reminded by the storekeeper to pay his account with cash, or discharge part of it with his disposable produce, for which he gets a very small price. He is also informed that the purchase-money of the land has been accumulating with interest. The phantom of prosperity, conjured up by his imagination, is now dispelled, and, on calmly looking into his affairs, he finds himself poorer than when he commenced operations. Disappointment preys on his spirits, and the aid of whisky is perhaps sought to raise them. The hopelessness of his situation renders him indolent and immoral. The land ultimately reverts to the former proprietor, or a new purchaser is found."

"There is never any hesitation in selling land to a man without capital, as the rights of it are withheld. Every tree which is cut down enhances the value of the property, which is unproductive while they are standing. When a settler absconds after some years' residence, a case by no means rare, the proprietor derives great advantage from his operations. An agent to a very extensive and wild property, informed me he had sold twenty-five lots of land, consisting of about 6000 acres, and received in all of purchase money £300."

"When the extent of unoccupied surface, the extent of soil which is occupied and remaining uncleared, and the tens of millions of acres which have never been surveyed, are considered, the price of Canadian land is extravagantly high, and far above its intrinsic value to actual settlers. Land, like other things, is cheap or dear by comparison; government land in the United States being sold at 6s. 3d. Halifax currency, ready-money, ought to make the British government blush for its policy in Canada. The price of land surrendered by the Six Nations, and covered with forest, is fixed at 15s. per acre, which is more than double the price of government land in the Western United States, superior in quality, situated in a finer climate, clothed with luxuriant grass, and without an obstacle to immediate cultivation. The credit, with accumulating interest on the price of land in Canada, is practically an evil to the purchaser and the country. It is population alone which imparts value to land, and a more effectual method could not be devised for preventing a farther influx of inhabitants to Upper Canada, and draining away many of those already settled, than government adhering to the present upset prices of land.

"The want of information which could be relied on regarding the United States, and the praises lavished on Upper Canada by interested parties, has drawn a number of emigrants to this district of late years. The stream of emigration has, however, begun to take a different course, and the price of land in Canada will tend to steady its direction. It is a knowledge of the Western States, joined to their pecuniary

difficulties, which makes so many farmers anxious to sell their properties. The late rise in the price of land operates as an inducement for enterprising individuals to leave the province, and already some of them yearly take their departure."

* * * * *

"Much as Upper Canada appears to me to have been misgoverned, her evils are not likely soon to end. The properties of a great portion of the industrious farmers are either mortgaged to storekeepers or capitalists, and almost the whole of the influential inhabitants are interested in land. The men filling official situations generally having large estates, the managers of the Canada Company, and of other extensive tracts of land, will oppose, from selfishness, the introduction of a better system, and endeavour to perpetuate the present state of things. I had little opportunity of judging if the inhabitants are fit to govern themselves. They will, however, find it a most arduous task to get rid of the present party in power, and a separation from the mother country would, in all probability, lessen their chance. Upper Canada is likely to separate from Britain in seeking to retain monopolies."

The American States are now taken up, and room must be found for some of our Scotchman's views of republican society and manners.

"Although I did not often witness the domestic manners of the Americans, my opportunities of meeting the inhabitants of the United States in public were frequent, and the impressions imbibed during my intercourse with them were different from what the accounts of others led me to expect. Many travellers who have written on the subject were perhaps ill qualified to form a just estimate of American manners and character, from the sphere of society in which they themselves had previously moved. No scion nor associate of British aristocracy, who has not been brought into familiar intercourse with the middling and lower orders of his own countrymen, is likely to do justice to the Americans, and the tenor of many of the remarks which have been given to the world on the subject is evidence of the writers never having before associated with the class of people to whom they allude. The inhabitants of Britain, in private and public life, being divided into grades, some individuals are altogether unacquainted with the manners and customs of the classes below them. And as Englishmen of high pretensions and refinement, on reaching America, mingle on terms of equality at public tables and in conveyances with the commonest operatives, they feel disgusted with the manners of the people around them, without considering they belong to a different class from their own associates at home. In Britain, a person of rank is generally regarded with respect by the classes below him. In the United States, rank seldom meets with or expects deference from the people, and the humblest citizen familiarly enters into conversation with every individual who addresses him. This self-possession of the Americans is often mistaken for forwardness, and their unembarrassed conversation for insolence. In Britain, the different classes of population generally remain distinct, and many of their excesses are hid from common gaze. In most parts of the United States, the bar-rooms of hotels form the only scenes of tippling, and, being at all times open to the public, a traveller is apt to consider the people more dissipated than they really are. Were a gentlemanly foreigner to meet the lowest class of the people of England at table, and associate with them in their haunts of vice, his adventures would form a high-coloured picture of British manners and society."

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"On first reaching the United States, the plainness of the people's manners appeared remarkable. In all classes there was a total absence of grimace and corporeal token of respect, with corresponding sounds of address, an expression of obligation or thankfulness seldom being heard. In courteousness the inhabitants appear as far behind the British as the French exceed them. But, on the other hand, vulgarity, rudeness, or insolence, is almost never met with in the humblest walks of life. Mechanics and storekeepers ride in the same vehicle, and sit down at the same table, with the most polished members of society; all seem desirous of behaving well to each other, a rude or indelicate remark never being made, nor a disgusting practice indulged in. On one occasion only I met with revolting behaviour,

at the table of the Washington hotel, during my first residence at New York. On my second visit, I found the individual still an inmate of the house, in which he had lodged for fourteen years. He was an eccentric character, and originally from England.

"A general propriety of deportment and softness of manner pervades the lower classes, and that coarseness, which is sometimes met with in Britain, does not appear to exist in the United States; but certain circles of society in Britain seem to have a higher polish than what is to be met with in America, and perhaps the general standard of manners of both countries is not widely different. The lower orders of the United States are, however, beyond all question, greatly superior in refinement and intelligence to the lower orders of Britain."

* * * * *

"The civility of all classes in the United States is so universal, that during my intercourse with the inhabitants, I scarcely experienced an indication of insolence, and never observed that democratic sauciness which I was taught to expect amongst the lower orders. Every individual feels that he is independent, and never alludes to the subject. The case is, however, different in Canada, where some British emigrants seldom let an opportunity escape of telling a well-dressed person, that 'this is a free country, and that he does not care a * * * * for any man.' The emancipated bondsman alone boasts of being free from fetters. A foreigner, however, who arrogates to himself superiority in the States, will be despised by the meanest of the people, and his money will neither purchase their attention nor services. The United States which I visited, seem to me an excellent place for teaching an overweening person a due estimate of himself and his fellow-mortals. Twelve months' intercourse with the people would greatly improve the fagged and fagging youthful aristocracy of Britain. Their haughtiness of demeanour, and acerbity and impatience of temper would be changed, and they would return home with a just sense of the place they occupy in the world, and qualified to discharge the important duties they owe society. Every Briton who has mingled with the people for any length of time, and practised self-examination, will testify to the truth of my remarks."

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"The Yankees have been generally charged with unfair dealing, and although I had no opportunity of judging of this matter personally, many circumstances induce me to think the charge is to a certain extent well founded. To emigrants the morals of a people are of more consequence than their manners, between which, however, there is no connexion. The Irish are a more polite people than the Scotch, but greatly inferior in morality; and the Yankees, with all the outward forms of virtue, are considered the most dishonest race in the Union. Yankee knavery is said to consist in overreaching every one with whom they have dealings, if the character of their customer admits of their doing so with impunity. The charge of dishonesty is not applicable to the people of New England generally, and *much of the prejudice against them arises from their industry and success in business.* In course of conversation I never heard imposition of any kind alluded to in terms of approbation, while honesty of character, and more especially in public men, was invariably praised. Virtue will ever be respected in civilized society."

The following paragraph is important for emigrants:—

"The situation of an emigrant on reaching America must be very different from what it was at home. In the midst of a people whose manners and customs are in some measure new to him, he is an isolated being, without any one in whom he can confide for advice and assistance. If he cannot think for himself, and rely on his own resources in transacting business, he will be a helpless mortal, and in all probability become the prey of designing persons. It is the dependence of the inhabitants on each other in old countries which unfits so many of them to play their part in the newly settled portions of the United States, where each individual acts independently, and trusts to himself alone. Americans are, therefore, the most acute people in the world in the ordinary intercourse of life, and few foreigners need take up their abode in the country in hope of outstripping them. The most essential requisites in an emigrant are energy of mind, steadiness of purpose, and persevering

industry. Without possessing these qualifications, no one need expect to mingle successfully in the bustle of life; although it is possible to exist as a farmer, without being so highly gifted. It is a wrong estimate of themselves which so often gives rise to disappointment and failure on the part of British emigrants. There is nothing in the soil or climate of America which can impart wisdom to the fool, energy to the imbecile, activity to the slothful, or determination to the irresolute. Examination of character should therefore form part of every emigrant's preparation, as his fate will perhaps altogether depend on it. It is folly for the idle and imaginative beings who float in British society to seek an Elysium in the United States, from whence they will again be speedily wafted to their native country. It is the industrious, prudent, and frugal people alone that can calculate on success."

The contrast between Upper Canada and the United States, ends greatly in favour of the latter.

"It may be perfectly true 'the people, soil, and climate, were originally alike' on both sides of the Niagara, but the United States and Upper Canada cannot with propriety be contrasted by those spots alone. The inhabitants of the United States, generally speaking, may be said to have been born in the country, and consequently possessed of the peculiar feelings and qualities of a people suited to a young country. On the other hand, most of the inhabitants of Upper Canada are either the descendants of the Royalists, slothful and unenterprising from the neglect with which they have been treated, or emigrants from Britain, where many of them had acquired notions and habits ill adapted for settling a wood-covered surface. Upper Canada having also become a place of refuge for the outcasts of other countries, and many of the settlers being composed of the poorest of the Irish and Scotch Highlanders, two of the most indolent and unambitious portions of civilized society, there can be no question of the people of the United States being more industrious and energetic than the inhabitants of Upper Canada. The United States sooner became peopled than Upper Canada, and may, consequently, be said to be an older country. The climate of the States is generally also better than Upper Canada. If the view which I have taken of the source of riches be correct, the United States, being an older country, with a better climate, and a more industrious population than Upper Canada, should also be wealthier. It will accordingly be found that in all external appearances, such as villages, houses in the country, hotels, internal intercourse and trade, and the dress of the people, Upper Canada is about a century behind the United States."

"In the United States the machinery of government is controlled by the people, who do every thing for the welfare of the country, and political power is invested in worth and talent alone. In Upper Canada government is swayed by an aristocracy, who have never lost sight of their own interest in legislating for the country. A higher and more uniform tone of independence and self-respect pervades the inhabitants in the United States than in Canada. The emigrant who delights in lording over his fellow-mortals, and measures his importance and wealth by the servility and wretchedness of others around him, ought to shun the States. The emigrant who seeks a fair and favourable field for his industry, and aspires to share, in common with his brethren, the just rank and privileges of man, ought to shun Upper Canada."

"The position of Upper Canada, in its external relations, which has been stated elsewhere, must be considered unfavourable, and in the internal condition of the country there is much which is unsatisfactory. The province is an appendage to Britain, and seems to have aped many of the frailties of the mother country. The principle of government has been patronage; the rule of governing, enriching the few and despising the many. Hence abuses in extensive grants of land, pensions, superfluous offices, an aristocracy, and such an aristocracy! a rapacious church, and the neglect of education. The institutions of Britain are a century behind the intelligence of her inhabitants. Upper Canada is generations behind North America in legislation. I have already said the government of the province is in helpless

infancy, and add, it must pass through the slippery paths of youth before attaining strength. There is already discord amongst the inhabitants, who are assailing the oligarchy under a sturdy, though not comprehensive minded leader. The strife is likely to be tedious, and without bloodshed; the poverty of the country and character of the people being a sufficient guarantee against aggression or envy on the part of the United States, and the scattered condition of the settlers a protection against themselves."

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"Every thing in the United States seems to me to be resting on a natural and sure foundation, with prospect of continued prosperity. In Upper Canada, most things appear to be on an artificial footing, and must consequently experience change. The States present a wider and a better field for the exercise of industry than Upper Canada; and the British emigrant, who must live by his own exertions, makes a sacrifice of his immediate interests, and in all probability the interests of his posterity, by preferring Upper Canada to the United States as a place of settlement."

The last chapters are entirely occupied with Illinois. Our author observes in his preface, that his statements regarding that territory should be received with caution, and we are of the same opinion.

"There is, perhaps, no country in the world where a farmer can commence operations with so small an outlay of money, and so soon obtain a return, as in Illinois. An ordinary farm labourer in Illinois gets the value of eighty acres of land yearly. In Britain, when due allowance is made for the board of the labourer, he does not get one-tenth of an acre of good land. When wages are compared with land, the farm labourer of Illinois is about eight hundred times better rewarded than in Britain. The land of Illinois to which the comparison of wages refers, is of fine quality, situated in the best climate of America, and is not greatly surpassed by any portion of the earth. The British labourer's reward of one-tenth of an acre, would yield a mere trifle annually; but the Illinois labourer's reward of eighty acres, might afford sustenance for himself and family for ever. Illinois may justly be called 'the poor man's country,' if any part of the world deserves the title. The extraordinary reward which the labourer receives, and the bountifulness of nature, are favourable to the poor, and no person who has health and strength, and leads an industrious and virtuous life, can continue without the means of subsistence in Illinois. The future prospects of Illinois appear to be highly favourable. Referring to what has been stated regarding the progress of wealth, and the channels of trade, it will be found that almost all the elements of prosperity exist in the country. The soil, grass-covered surface, climate, internal facilities of commerce, cheapness and extent of land, and the systems of governing and educating the people, are not surpassed by any other portion of America, and inhabitants are alone wanting to complete its greatness. Illinois being about the size of England, might furnish a greater supply of food, from the general superiority of the soil, and seems to me to be nearly capable of sustaining the whole inhabitants of England, in addition to its present population, or nearly seventy times the inhabitants it now possesses. In whatever point of view Illinois is regarded, as adapted for herds and flocks, for wheat and Indian corn, for manufactures and commerce, or for the abode of population generally, it will be found to be one of the most favoured portions of North America, and with the exception of population, possessing all the elements of future prosperity and greatness. Time will supply inhabitants, the want of which at present, however, forms one of the many advantages of the country for agricultural emigration."

It seems a mockery to compare Upper Canada with such Elysian fields:—

"The settler of Illinois places his house on the skirts of the forest or on the open field, as fancy may dictate. The prairie furnishes summer and winter-food for any number of cattle and sheep, and poultry and pigs shift for themselves until the crops ripen. With the preliminary of fencing, the plough enters the virgin soil, which in a few months afterwards yields a most abundant crop of Indian corn, and on its removal every agricultural operation may be executed with facility. The first crops

are excellent, and seldom suffer from atmospheric effects. Pastoral, arable, or mixed husbandry, may be at once adopted, and produce of all kinds obtained in the utmost profusion.

"In Upper Canada the settler is immersed in the forest with roads that are passable for heavy carriages only when frozen. The Illinois settler enjoys a prospect of wood and plain, and the open prairie affords good roads at all times when the weather is dry. In Upper Canada no part of the surface is productive which has not been cleared. In Illinois the whole of a prairie farm is productive without being cultivated. In Upper Canada the forest settler cannot at first produce his own food, and lives for a time on flour and salt provisions. In Illinois the settler at once raises on his farm almost every thing he can consume. In Upper Canada the farmer is not fully repaid for his first operations until the end of six or seven years. In Illinois the farmer is repaid for his first operations in course of a few months. The farmer's reward in Upper Canada is many years distant, and in Illinois it is almost immediate. In short, the farmer in Upper Canada at first finds difficulty in growing a sufficiency of produce for his own use, and the Illinois farmer difficulty in consuming his produce."

The younger brother of our author, doubtless determined in his course by these descriptions, emigrated, and fixed himself in Illinois. Mr. Shirreff, near the end of his book, has published an extract from one of the letters of this brother, the whole tone and spirit of which seem at variance with the glowing pictures that immediately precede it. A desire, on the part of our wary friend, to exhibit a pleasing instance of the attachment which a Scotchman always feels for his native land, was probably the reason why he has overlooked its adverse tendency.

"I do not regret the step which I have taken in settling myself on the banks of the Mississippi, and shall be stimulated to active exertion by the thought, that every tree I cut down, every sod I turn, and every animal I rear, brings me nearer Scotland. I have reason to believe these hopes will be realized. Allowing, however, that they will not—that a livelihood is the most I shall obtain, and that I am compelled to spend and end my days here—what of that? at the longest, life is not so very long, and when accompanied with virtue, it has attractions almost any where. But I still look to Scotland as containing all I truly love in this world, and shall never relinquish the hope of being able to end my days at home."

Because we have freely noticed a few faults and exaggerations in Mr. Shirreff's book, we must not be thought disposed to withdraw any of the favourable expressions already applied to it. We sincerely wish that the work may be republished in this country. The Appendix, at least, should be every where read: it contains a mass of statistics and general information concerning the Western States, collected during the personal observation of a practical farmer, equally curious and important. The style of the book is simple and pleasing, and most of the views are remarkable for their sincerity. We know of no other traveller in this country, who has had the same opportunity to observe the morals and manners of the humbler classes of our community; and all his remarks about them are just and liberal.

ART. VIII.—WORKS OF FENIMORE COOPER.

- 1.—*Romances*, by J. FENIMORE COOPER. *Precaution inclusive to the Headsman*. 26 vols. 12mo. 1820 to 1833.
- 2.—*Notions of the Americans, picked up by a Travelling Bachelor*. 2 vols. 12mo. 1828.
- 3.—*Letter to General Lafayette, on the Expenditure of the United States of America*.
- 4.—*A Letter to his Countrymen*, by J. FENIMORE COOPER. 1 vol. 8vo. New York, 1834. pp. 116.

THERE never was a nation which held the safe old maxim of *festina lente* in such contempt as this American people. We are all engaged in a race, the like of which twelve millions of souls never ran before; up and down the Hudson, along the banks of the Delaware, across the wide waters of the woods, by the deep streams of the west—hurry scurry—neck and neck:

“Tramp! tramp! along the land they ride,
Splash! splash! along the sea!”——

It is the only steeple-chase of which the clearest vision can see no limit, and in which the headmost rider is as far from any apparent goal, as the laziest laggard of the field.

The new world has been to the students of the kindred sciences of government and economy, very like the black-board of a mathematical class. About sixty years ago, a clean wipe was made of the confused old diagrams and inconclusive calculations that had covered it over, and with a clear field under new masters, and by a new mode, we once more set about trying to solve the problem—the greatest happiness of the greatest number. It is generally thought that the class of '76 did its work well.

But philosophy places its hand on the curb-rein of enthusiasm. We will grant that the question is not entirely made out; that for the government part of the problem, the deranging element of time cannot yet be computed, and that the experience of a few half centuries is yet required to determine whether a dense population and universal suffrage, dear land and an absolute democracy, can co-exist. Still there are other matters that we have determined to our complete satisfaction, and upon which no inhabitant of the western hemisphere will ever go back to the eastern for any new light.

We have framed axioms out of the questions in economy most puzzling to the pedagogues of the last century, and taught them among other points that there is in perfect freedom, unlimited enterprise, absence of monopolies, and the individual character springing from all these, a national capital such as the Rothschilds and

Hottinguers never dream of, which finds no difficulty of investment even without the facility of a national debt, and which is daily working results to which even the Sankay canal and Chatmoss embankment afford no formidable rivalry.

But we have no mind just now to tickle the national egotism in the matter of accumulation of property. The increase of wealth with us is, after all, not so very extraordinary. When we extricated ourselves from the go-cart of colonial government, there were many kind souls, skilled no doubt in the rearing of infant nations, who thought we should toddle helplessly for a few years, until some able-bodied nurse might extend her arms for us to drop into. But there were even then better seers of the future of America. Mr. Burke, who perceived more clearly afar off than immediately before him, and whose vision across the Atlantic was unobscured by the bloody mists which dimmed his view of the nearer republic, commemorated at an early period "the victorious industry of a people as yet in the gristle;" he well foresaw what that people might effect, when they should be "hardened into the bone of manhood." A due consideration of the character of the colonies, of the stock from which they sprung, of the stimulating character of the new government, and of the vast capabilities of the country, leaves not much reason to any Dominie Sampson of the young world to cry out "Prodigious!" at the rapid settlement of the States, and their correspondent increase of wealth. There is far more cause of wonder and pride in the advance of mental culture and civilization in the United States than in our mere material progress; and however little favour the remark may find in the eyes of the engineer corps, we hold the former far more worthy of a special pæan. But there is, it seems, some difference of opinion as to the meaning of this term, civilization. M. Cousin says in one of his Reports, "that though England be covered with the mantle of a material civilization, France and Prussia have an indisputable right to be considered the two most civilized countries of Europe."* We may differ as to the test. With M. Cousin, the generous system of public instruction in the one country, and the freedom of the public institutions; the glories of the metropolis, and copious literature of the other—settle the question in their favour. But they of British blood will try the matter after a different mode. They think that good government is one of the surest tests of civilization—that the habeas corpus is one sign—the freedom of the press another—a liberal elective

* "Je regarde la France & la Prusse comme les deux pays les plus éclairés de l'Europe, les plus avancés dans les lettres & les sciences, les plus vraiment civilisées sans excepter L'Angleterre toute hérissée de préjugés, d'institutions gothiques, de coutumes à demi barbares, sur lesquels est mal étendu le manteau d'une civilisation toute matérielle." Rapport sur l'état de l'instruction publique, &c. 1re Partie, p. 109. Imprimerie Royale. Paris: 1832.

franchise another. It may be very well for the representative of a nation that cannot make a chimney to draw, nor a stage coach that will travel over five miles an hour; that turns its furrows with a wooden mould-board, and chops down his trees with a hatchet—to turn up his nose at the "*civilisation materielle*" of other people; but on this side of the water we may be allowed to hold that the economy, expedition, and comfort of every day life, enter to a considerable extent among the elements of civilization.

The material civilization of the United States, imperfect as it is, is confined almost exclusively to a narrow strip along the Atlantic, and the squeamish travellers who come out of the magnificent hostleries of New Bond street think little enough of it. But the extraordinary part of the matter is, that we have any thing beyond this, and that the inhabitants of so wild and uncultivated a country should have had the sense to appreciate the importance of the polite arts, and with so many calls for expenditures apparently more immediately and practically useful, the munificence to cultivate them. How comes it, that within fifty years we have made such intellectual advances? Why, in the nature of things, should we be ahead of that meagre and spiritless iron age of the colonies, from which the zeal and patriotism of our antiquaries can scarcely extract a paragraph that might not "flutter in Soho?" Any other people, in this our present stage of existence, might perhaps have an Ennius—they might possibly produce a Pierce Plowman: they certainly could not think to possess any literature that might hope for either a general or permanent reputation.

Property has every where been the basis and forerunner of civilization. Before poetry, or sculpture, or music have made advances, there has been a great accumulation of wealth to support these unproductive consumers. The troubadours were the hangers on of the castled barons—the early painters, the dependents of the opulent priests. England and France had an exclusive and wealthy class, a court and nobles, before Shakspeare and Montaigne, or Chaucer and Rabelais. We are the only poor people that have from the beginning appropriated a portion of its savings to cultivate and patronize, which means to pay for literature. What are the wonders of a steam-boat, a rail-road, or a canal? they are the natural productions of the country—but according to the experience of other nations, we ought to have waited more than one century before we could have hoped to add dignity to the western world, by producing a Cooper, an Irving, or a Bryant.

We assert no doubtful proposition when we say, that compared with the United States, there never was a country so wild in its external features, in which nature had been so little subdued, that had made any proportionate progress in the arts which humanize, refine, and embellish—no country, we mean, where the matter has

been left to itself, and where the universal energies of the mass have done that which the patronage of the privileged classes has elsewhere effected. More than this, if the fact could be ascertained, we apprehend it would appear that there is no country at this moment on the face of the globe, where, including common schools, academies, and colleges, the countless republications of foreign works, and the constantly augmenting number of native productions, so large a proportion of the national income is devoted to the advance of civilization, in the highest and noblest sense that even M. Cousin can attach to the word. From its childhood, the young Briareus with half his hundred arms embraced the spirit of industry, and with the other aided and upheld the genius of refinement.

But those who first among us gave themselves to the pursuit of literature, entertained no very "august ambition." Imitation is the natural tendency of the very young—students themselves, but neither accurate nor profound, they paid a ready and willing homage to the great labours and prodigious results of their elder brethren of the ripe old world. While they should have looked to the day-star of the *West*, they kept their veneration fixed upon the East—they had no imagination of the expanse, trackless as their own woods and mightily marked as the bold features of their own land, which lay open, inviting wanderers, and wide enough for myriads. It was reserved for one of a sailor's education, matriculated and graduated upon the ocean, to point out to them their true path, and at once to take the lead in it—to gain the title and acquire the reputation of the American Novelist.

In taking as the text of our article Mr. Cooper's works, it will readily be conceived that we do not intend to go into an elaborate analysis of some thirty volumes. We have not to do with a writer of yesterday, unknown to the public, whose standing might yet be within the power of a reviewer—but with a reputation that has made for itself a horizon far beyond our scope, which no longer requires praise, and which may defy minute and petty criticism. The works of Mr. Cooper naturally divide themselves into three classes—his American novels, portraying the peculiar features of this country, including the *SPY*, *PIONEERS*, *MOHICANS*, *PRAIRIE*, *LIONEL LINCOLN*, and *WEPT OF THE WISH-TON-WISH*; his sea novels, in which the interest is made to turn upon the varieties of ocean life, the *PILOT*, *RED ROVER*, *WATER WITCH*; and his political novels, or those having a distinct republican moral, the *BRAVO*, *HEIDENMAUER*, and *HEADSMAN*. These different species of the genus Romance all owe their origin to Mr. Cooper; and a few brief and disjunct remarks upon the most prominent features and peculiar merits of each class, will constitute the whole of our present task.

We but record the verdict of the whole literary world, in placing Mr. Cooper at the head of American writers of fiction, not more

in point of time than of degree. What is there in the dark pictures of Brown that might not, with but trifling modifications, be shaped to suit another age and another country? Mr. Irving, the only serious rival of Mr. Cooper, as to date, is not of the sturdy distinctive American school. His delicate humour, which Goldsmith might have envied, formed food for itself in the annals of the "Manhattanese," and in the traditions of the dells of the Kaaterskill; but the peculiar characteristics of his country, the poetry and eloquence of its people and institutions, have not often found an organ in him. Mr. Cooper has never lost sight of this leading idea. Whether on the banks of the Otsego, in the shadow of the Coliseum, or among the canals of Venice, his mind has always retained its original bias—the sharp edges of his character have not been worn off to the smooth and ordinary uniformity that the fiction of the world generally produces.

With an ardent affection for his country, based upon a most accurate sense of its peculiar excellencies; with an intense love of freedom, and with an eloquence and power that it is no panegyric to call of the first order, he has first ennobled American fiction, by making it the vehicle of those leading American ideas which are the chief boast of the republic. He has lost no opportunity of enforcing the multitudinous truths, all springing from the one fundamental idea of self-government; nor ever failed to claim for his country its rightful share in that revolution which the earth is undergoing, as surely as it is performing its daily and nightly gyrations.

It is more than fifteen years since Mr. Cooper gave to the world his *PRECAUTION*.* It is said that when he took up his pen, he was uncertain whether he should write a homily or a romance. It is very clear that he had no knowledge of his own power. The scene was laid in England, and the work could claim no other place than among the copies of the thousand and one spiritless romances which the English press had just about that time ceased to put forth. In his preface to the *PIONEERS* he has himself commemorated its fate. "The first book was written because I was told that I could not write a grave tale; so to prove that the world did not know me, I wrote one that was so grave nobody would read it, wherein I think that I had much the best of the argument."

But he was not slow to perceive his error: "Ashamed to have fallen into the track of imitation, he endeavoured to repair the wrong done to his own views, by producing a work that should be

* He had previously taken a considerable share in the politics of his county, (Westchester,) and had exercised his hand in various newspaper essays and pasquinades. Perhaps some of that district may yet remember the squib, one verse of which began—

" Sheriff J——m, sheriff J——m,
You're tall and you're slim, &c. &c."

purely American, and of which love of country should be the theme." (Letter, p. 98.) The *Spy* was published in 1822. The thrilling incidents of our revolutionary struggle, and the romantic episodes of a border warfare, furnished him his subject, and he laid the foundation of his reputation broad and deep in the rugged rocks of his own Westchester. The black Cæsar; the quiet, energetic, and peculiarly American, Harvey Birch; the noisy Virginia captain and Betty Flanagan; all proved that there was a "chiel amang us takin notes," quick to perceive and most successful in delineating individual character: while the execution of the cow-boy, the escape of young Wharton, and the death of poor Lawton, showed him an equal master of the moving or the startling incident and the hair breadth 'scape. The *Spy* was published at a time "when the habit of looking to others most disqualified the public to receive a native author with favour," (Letter, p. 98,) but its success was not a moment doubtful. Whatever may be the case with the critics, the reading and thinking mass in America are not the slaves of foreign opinion, and no certificate from the Edinburgh or Quarterly was required to bring the *Spy* into vogue. Multitudes did at once seriously incline to the perusal of this book, and enrolled themselves among the patrons of the new school.

Confining ourselves to that class of Mr. Cooper's productions which we have placed first, comprising those which are peculiarly distinguished by their representations of American character and manners, the *LAST OF THE MOHICANS*, the *PIONEERS*, and the *PRAIRIE*, offer themselves to us, although published in a different order and at considerable intervals of time,* as his most prominent works, or rather as parts of one harmonious whole, linked together by the character which, under the different names of the Scout, Leather Stocking, and the Trapper, furnishes the real hero of the three.

Nathaniel Bumppo is, with the single exception perhaps of Tom Coffin, the most original and best sustained of Mr. Cooper's creations; and had he done nothing else, this would for ever entitle him to a high place among the poets of the western hemisphere, in the original signification of the term. There is indeed something exceedingly instructive and touching "in the life of a veteran of the forest, who, having commenced his career near the Atlantic, is driven by the unceasing and unparalleled advance of population, to seek a final refuge against society in the broad and tenantless plains of the west."—*Pref. to the Prairie*.

We are first introduced to Hawkeye, or the Longue Carabine of the Mohicans—a scout employed occasionally in the service of the English army, but whose tastes and friendships have driven him entirely to a forest life, and a strict association with one of

* The *Pioneers* in 1823, the *Mohicans* in 1826, and the *Prairie* in 1827.

the chiefs of the smitten tribe of the Delawares, detesting the artificial society of the whites, and skilled to an extraordinary degree in all the arts of woodcraft—"of great simplicity of mind, but of sterling worth; unlike most of those who live a border life, he united the better instead of the worse qualities of the two people; he was a man endowed with the choicest and rarest gift of nature, that of distinguishing good from evil. His virtues were those of simplicity, because such were the fruits of his habits, as were indeed his very prejudices—in courage the equal of his red associates; in warlike skill, being better instructed, their superior."* He is, throughout the book, the guardian genius of the feebler hero and heroine, and all the conversation put in his mouth is marked with a force and appropriateness, a rude dignity, and often a resistless pathos that is surpassed by nothing unless it be by the simple eloquence of the Leather Stocking of the Pioneers.

In the Pioneers, the third of the Cooper novels, and which was modestly called "a descriptive tale," the author chronicled some of his earliest and fondest recollections. The home of his childhood still stands by the banks of the clear Otsego, and in the attractive character of Marmaduke Temple he is well known to have portrayed his father, one of the earliest settlers of that district. We have always looked upon the Pioneers as one of the ablest, though certainly not most interesting of these works. The descriptions of forest life, the turkey shooting, the bass fishing, the pigeon "hunting," the panther fight, the fire—are all as vivid and stirring as the canvass. Mr. Cooper had manifestly caught the real inspiration of the land; he was in close communion with the wood-nymphs and the water-nymphs of the forest waste; he did not choose our cities for his localities, nor endeavour, out of their half-breed civilization, to mould trite copies of the fashionable novels about this time coming into vogue. He threw himself into the wilds, where the national character was developed by the obstacles it had to surmount; and seized, with the eye of a poet and of a philosopher of the American school, the leading traits of his countrymen. Remarkable Pettibone is a good specimen of those qualities which make our people such bad servants and such capital citizens; while the sketch of Ben Pump, though it gave small token of the new chord he was about to strike, still told us that he had not forgotten his early element. Among these personages, nearly forty years later than the date of the Mohicans, moves the real hero—Leather Stocking. War is abandoned—he is now nothing but the "brown hunter," still adhering to his early tastes, still faithful to his ancient friend, *Le Gros Serpent*, but

* *Prairie*, vol. i. p. 156. We prefer always to take Mr. Cooper's own view of his own characters.

embittered and soured by the changes of a generation, all of which had diminished the utility and dignity of a wood-life, and especially indignant at the rapid settlement of the country by the whites—"Woods, indeed! I doesn't call these woods, Madam Effingham, where I lose myself every day of my life in the clearings." (*Pioneers*, vol. ii. p. 281.) What can be better? He is the real hero of the *Pioneers*, and the closing scene, in which he takes his leave of Effingham and Elizabeth, to wander into the trackless west, is among the most touching things in these books.

In the *Prairie*, the talent of the writer was laid out between the family of a godless squatter and the trapper. The scene dates about ten years after that of the *Pioneers*, and we once more meet Hawkeye of the Mohicans, Leather Stocking of the *Pioneers*, in the limitless plains beyond the Mississippi. Here at length he is sure of having distanced civilization; he has come "to escape the sound of the axe, for here surely the chopper can never follow." His faithful dog has borne him company, and we recognise our old friend Hector. Approaching the term of life, but undecayed, the humane and energetic old man is, throughout the action of the book, the constant and efficient friend of the unprotected and suffering, and the scene in which he discovers the grandson of his early *protégé*, is only equalled in pathos by that of his death—"Your grand'ther didn't then entirely forget the white man." (*Prairie*, vol. i. p. 157.) We find ourselves talking of him as of an historical personage, and we confess that the different sketches of Nathaniel Bumppo have a strength, vividness, and truth, which make it always an effort to rank them among the bottomless creations of fiction. In the *Prairie* he dies, and it is rather remarkable, as is said of Shakspeare's Mercutio, that he had not already killed Mr. Cooper. This exquisite simplicity is not among the easiest of a poet's tasks.

The Red race also owes its commemoration in the pages of romance to Mr. Cooper. Their singular habits, immovable pride, faithful friendships, and undying hates, have furnished him with some of the most stirring scenes in the books we have just noticed—the young Uncas, the mature and powerful Chincachgook of the Mohicans, the wretched old drunken John of the *Pioneers*, the Pawnee of the *Prairie*, and the gallant Conanchet, are all brilliant and original creations. Hear the old Indian after his debauch: "When John was young, eye-sight was not straighter than his bullet. The Mingo squaws cried out at the sound of his rifle. The Mingo warriors were made squaws. When did he ever shoot twice? The eagle went above the clouds when he passed the wigwam of Chincachgook; his feathers were plenty with the women.—But see," he said, raising his voice from the low mournful tones in which he had spoken to a pitch of keen excitement, and stretching forth both hands, "they shake like a deer at a wolf's

howl. Is John old? When was a Mohican a squaw with seventy winters? *No! the white man brings old age with him—rum is his tomahawk.*" (*Pioneers*, vol. i. p. 208.)

Lionel Lincoln, published in 1825, and *The Wept of the Wish-ton-Wish*, in 1829, belong to those which we have been hitherto considering, which portray American life and manners. But we cannot stop to analyze them. The latter is sometimes called the best of all his productions, and the former divides with the *Heidenmauer* the not acceptable honour of being his least successful work. We come to another class of productions, which stand very much apart from the other efforts of our author, and certainly not less so from all previous works of fiction.

The three novels of Mr. Cooper, the scene of which is laid upon the sea, (*PILOT*, *RED ROVER*, and *WATER WITCH*,) are entirely *sui generis*. The first of these was published in 1824, and in the preface Mr. Cooper says, "He will probably be told that Smollett has done all this before him, and in a much better manner." It must be a fresh water critic who would give any such opinion. "Mr. Penguillum," as Remarkable "Pitty-Patty-Prettybones" calls him, is perhaps of the Hatchway, Pipes, and Trunnion school; but what parallel can be drawn between any of Smollett's sea characters and those of Mr. Cooper, in the three works whose names we have just given? What comparison can be made between the sketches of sailors high and dry on shore, and the citizens of the deep engaged in all the wild adventures of their terrific element? There is as much difference between the sailors of Cooper and Smollett, as between a whale blowing and sporting among the icebergs, and a butt of train oil in a New Bedford warehouse. The American is eminently the poet of the ocean, which, till his time, was in the condition of those who lived before Agamemnon. We always thought that Byron, with his sea-tastes, had a heavy loss in dying without a sip of this new gush from the head fount of poetry. All the events of the waters—the storm, the calm, the chase, the battle, the wreck, the fire—have been commemorated by Cooper in language to which even the lofty rhythm of the Spenserian stanza could add neither grace nor eloquence. And what a host of characters has he evoked from the vasty deep—how different, and yet all how true to their situation—the savage but faithful Boltrope, timid Earing, mutinous Nighthead, boisterous Nightingale, shrewd Tom Tiller, Trysail, Bob Yarn—they all come crowding upon us as the familiar faces of some long voyage. And where in all fiction will you find the better of the simple-hearted coxswain of the *Ariel*. "Give me plenty of sea-room," says this original old sailor, in the first speech that issues from his sententious lips, "and good canvass, where there is no 'casion for pilots at all, Sir. For my part I was born on board a chebacco-man, and never could see the use of more land than now and then

a small island to raise a few vegetables and to dry your fish—I'm sure the sight of it always makes me feel uncomfortable, unless we have the wind dead off shore." And then for his name: "I'm called Tom when there is any hurry, such as letting go the haulyards or a sheet; Long Tom, when they want to get to windward of an old seaman by fair weather; and Long Tom Coffin, when they wish to hail me so that none of my cousins of the same name about the islands shall answer."

Long Tom is, indeed, as with Natty Bumppo, the real hero of the Pilot—his harpoon decides the conflict with the Alacrity; and with the loss of the Ariel, as poetical a creation as her namesake of the drama, much of the interest of the book ceases. There is a variety in all Mr. Cooper's marine novels, of which it had not been thought the subject was capable. How different is the fight between the Alacrity and the Ariel, from that with the Rover and the Dart!—how different the shipwreck of Barnstable, from that of Wilder and Gertrude; and how single and alone stands the inimitable chase of the brigantine through Hell Gate. Even the technicality, and to many readers unintelligibility of the terms, does not lessen the interest: it seems as if you were on the quarter-deck; you comprehend not the hoarse orders, but you see the yards bracing, the heavy sails flap—and amid the howling of the winds and the roar of the waters you feel at once, as it may be, either the might or the omnipotence of man, but always the eloquence of the poet:

"Far as the breeze may bear, the billow foam,
Survey his empire."

Mr. Cooper's success has given rise to a new school of fiction, which, singularly enough, has thriven with more vigour in France, that land of "lubbers," than in England. MM. Sae and Corbière have each published several works, wherein the heroes and heroines go down to the deep, and in which the plot is chiefly carried on upon the sea. But they partake of all the ultraism and immorality which corrupt the present school of French fiction. The frenzied extravagance of the ATAR-GULL, and the disgusting licentiousness of the SALAMANDRE, permit no comparison between them and the works of our fellow-countryman. It is not to be overlooked, that there runs through all Mr. Cooper's books a vein of exquisite humanity, not the less true and delicate for being disguised in a rude garb: the characters of Leather Stocking and "poor old Long Tom Coffin," are genuine tributes to the homely and cardinal virtues. Polwarth's kindling the fire with his wooden leg, is a scintillation from the ever burning flame. Take *Dick Fid* of the Red Rover—hear him first in his palmy state, where his black messmate, S'ip, agitates him by contradiction: "Hark ye, Mister Gold-Coast," muttered the white, bending his head aside

in a threatening manner, "if you've no wish to wear your shins parcelled for the next month, gather in the slack of your wit, and have an eye to the manner in which you let it run again." "Ay, ay, the Lord made a nigger an unrational animal—and an experienced seaman, who has doubled both capes and made all the head-lands atween Fundy and Horn, has no right to waste his breath in teaching any of the breed!"—Listen to the same rough sailor again after the defeat of the Dart, when the wounded black is in his arms and the rope around Master Dick's own throat. (Vol. ii. p. 243.)—"Ay, ay," returned Richard, again clearing his throat, and looking to the right and left fiercely as if he were seeking some object on which to wreak his vengeance—"Ay, ay, Guinea, put your mind at ease on that point, and, for that matter, on all others. You shall have a grave as deep as the sea, and Christian burial, boy, if this here parson will stand by his work. You have had much foul weather in your time, Guinea, and some squalls have whistled about your head that might have been spared, mayhap, had your colour been a shade or two lighter. For that matter, it may be that I have rode you down a little too close myself, boy, when over-heated with the conceit of skin, for all which may the Lord forgive me as freely as I hope you will do the same thing."! We long to quote from the Pilot and Water Witch, the dying scenes of Boltrope and Trysail, but we are "on the limits," and forbear.

We have thus, in a hasty manner, rambled through the two classes of Mr. Cooper's works—the one of which, as portraitures of American life and manners, and the other as vivid sketches of ocean habits and characters, may lay claim to entire originality. In these two respects, as Mr. Cooper was the first, so is he as yet without a rival. Before we take up the third and last class of his books, we must show the cloven-foot of the Zoilus, and enumerate some of those characteristics of these books, which have attracted most criticism, and which, on the fundamental rule of analysis,

"To forge or find a fault,"

by a happy exposition and due admixture of exaggeration, have had the greatest effect against his success.

In all his sea novels, the land personages and the land scenes are so very inferior to those pertaining to the water, that it is often said Mr. Cooper's only real greatness lies on the ocean. There can be no more egregious blunder. Of his thirteen novels, but three are tales of sea-life. His reputation was first based on *terra firma*, and the Spy and Pioneers won him no small portion of his fame, without even a sprinkling of salt water. What becomes, too, according to this dogma, of the Wish-ton-Wish, in itself suffi-

cient to make a reputation. It is not, however, to be disputed, that his master-scenes are on the ocean.

There is a deal of humour in all Mr. Cooper's elaborate and entirely natural characters. How excellent is Mr. Bumpo's view of natural and civil rights. "I hope to live to see the day," says Judge Temple, "when a man's rights in his game shall be as much respected as his title to his farm." "Your titles and your farms are all new together," cried Natty; "but laws should be equal, and not more for one than another. I shot a deer last Wednesday was a fortnight, and it floundered through the snow banks till it got over a brush fence; I caught the lock of my rifle in the twigs; in following I was kept back, until finally the creature got back. Now I want to know who is to pay me for that deer; and a fine buck it was; if there hadn't been a fence I should have gotten another shot into it—no, no Judge, its the farmers that makes the game scarce, and not the hunters." His Bill Kirby is the *beau idéal* of wood choppers, and his blacks are full of the peculiar humour of their race; but those personages who are meant for the buffoons, as it were, of their respective books, are unsuccessful. Hector Homespun and Doctor Bat, for instance, draw their slow length along, incumbrances upon the Water Witch and the Prairie, not less than Claud Halero of the Pirate; but Boroughcliffé and Manual are exceptions to this remark. The same may be said of his more highly wrought graver characters. There is infinitely more dignity in Leather Stocking, or in Long Tom, than in General Harper of the Spy, (Washington,) stalking about among the hills in Westchester, like death on the pale horse; or than in Mr. Gray of the Pilot, (Paul Jones,) with his abstracted musings and heroic speeches. Where Mr. Cooper exerts himself to produce particular effect by any of the tricks of the trade—solemn silence, deep fits of absence, short ominous speeches, or the use of any of the disguises of the author's green-room, he generally fails; whilst, when he draws from his storehouse of observation, from his ever welling spring of real simple pathos and genuine humanity, he as generally, indeed scarcely with an exception, succeeds.

It is not to be disguised, that Mr. Cooper's chief success is with personages of his own sex. He treats his women very much after the fashion of Mohammed; he allows them not their due proportion of soul, nor is there any one of them who has the naturalness of the best of his male characters. We always except the exquisite Ruth and Narahmetta of the Wish-ton-Wish; they stand wholly apart from his other creations of the same sex. This parenthesis being made, the hoydenish Kate Plowden, the stiff Cecilia Howard, and the yet stiffer mistress of the Pilot, are among the least attractive of his female dramatis personæ—while Cora Munroe ought, perhaps, to be placed at the head of the list, unless, perchance, the Gaoler's daughter of the Bravo have a better right to

the post of honour. They have, too, strange tricks for ladies. Alida calls the captain of the coquette plain "Ludlow," long before she owns her affection; and Miss Temple takes the same liberty with young Edwards. Mr. Cooper's great success is in working the mine of the heart in its roughest and least promising veins—in bringing out the true ore from under its darkest dross. After society has smelted and refined and assayed, it seems as if there were not enough to be done to excite his efforts. From the lips of a wood-cutter, a hunter, a sailor, he will teach you the philosophy and humanity of God and nature; while a fine gentleman and a fine lady become in his hands even more insipid and tasteless than in reality.

There is much bad writing, and many awkward expressions, in the tamer parts of Mr. Cooper's novels; and sometimes they intrude themselves with a very ill effect upon the most deeply interesting scenes. Of one of his heroines, Gertrude we believe, he says—"She extended a hand of a construction so delicate that art might have in vain endeavoured to rival it." Any person who has seen a first rate wax figure, will appreciate the compliment. Of Cecilia in the Pilot, (vol. i. p. 125,) "She leant upon a small hand which seemed to blush at its own naked beauties." There are few hands, thank heaven, of so exquisite a modesty.

Of Edwards (Pioneers, p. 70,) he says, "There was something noble in the rounded outlines of his head and brow. The very air and manner with which the *member* haughtily maintained itself over the coarse and even wild attire," &c. In the Pilot, (p. 108,) "Calm and inured to horrors as was the veteran seaman, he involuntarily passed his hand before his brow, as if to exclude the look of despair he encountered, and when a moment afterwards he removed *the rigid member*," &c. There is a degree of anatomical nicety in these descriptions, that makes us think we are handling the subjects of the dissecting room.

But these are trifling matters; we did not sit down to a reckoning of superficial blunders with Mr. Cooper. He is not like Calderon's "*ingenio cuidadoso*,"* who,—

"Cuando a publicas censuras
Dar algun estudio piensa
Hecho fiscal de si mismo
Un pliego rasga y otro quema."

These faults of clumsiness in expression, are far oftener the results of want of care than of want of taste.

Since the passage from the scene of the Scottish romancer, the three most prominent novelists of their respective countries may be considered Bulwer, Cooper, and Victor Hugo. With far less wit than either of them, with an education inferior to that of Bul-

* "No hay cosa como callar."

wer, and with much less scholarship than Hugo, Cooper has much better taste than the latter, and purer morals than either. The originality of his conceptions has given him a greater reputation than his two rivals, and we apprehend that at this moment, although the Heidenmauer and Headsman, in that they have added nothing to, have rather detracted from his reputation, *he stands at the head of romance*. His works are regularly republished in England and at Paris, both in French and English. They have been translated into German, and a French version published in Belgium. Three translations of some of them have appeared in Italy, one at Milan, one at Leghorn, and a third at Naples. One edition in English was printed at Chemnitz, in Saxony. The Spy (*Szpieg*) was translated into Polish by Dmschowski, and the Last of the Mohicans (*Ostatni z Mohikanow*,) as well as the Red Rover, and several others, by different hands. Spain and Russia have incorporated them with their literature, and we believe Sweden and Denmark have rendered them a similar homage. In Europe the Spy, Pioneers, Mohicans, Prairie, Pilot, Red Rover, and Bravo, of which we have yet to speak, are considered the most successful. The palm lies between the two last, and perhaps the same classification will apply to this country. The sales with us, do not equal those in France or England. Seven or eight thousand have been published here of the Spy, and about fifty thousand will cover the whole that have been uttered.

In 1828, after being about two years in Europe, Mr. Cooper essayed a graver task, and although with scarcely a pause in his career of fiction, produced his NOTIONS OF THE AMERICANS, in which "he endeavoured to repel some of the hostile opinions of the other hemisphere, and to turn the tables on those who at that time most derided and calumniated us." (Letter, p. 7.) This work was received with distrust abroad, for many reasons. The jealousy of the old world was aroused by this eloquent panegyric of the young Republic. It was said, that the advocate was manifestly much too interested a party to expect impartiality from his opinions; and blunders were cited scarcely possible to avoid at the distance at which the author wrote; and certain extravagancies of sentiment and expression were quoted, which it was easy for patriotism to excuse, but difficult for philosophy to defend.

To us, however, it has always appeared one of Mr. Cooper's most interesting works. It is a fact most honourable to the independence of his character, and the consistency and rectitude of his mind, that the solemn plausibilities of the old world, and, what was harder to endure, the extraordinary homage paid to his own ability, had not lessened his affection and respect for that unromantic country far across the water, under whose flag he had served; and for those homely principles, which, while they tend so much to the dignity of all, have an inverse effect upon the conse-

quence of any individual. The NOTIONS were, moreover, exceedingly curious and interesting, as containing a grave and methodical exposition of those traits of national character, which, with a lighter pencil, he had so successfully portrayed. They are full of exquisite touches that show how justly he appreciated the true value and how thoroughly he understood the full bearing and influence of the government, which, "like the dews of Heaven, dispenses its blessings upon all alike." How much right reason and humanity are there in this passage?

"A striking and national trait in the American, is a constant and grave regard to the feelings of others. It is even more peculiar to New England, than to any other section of our country. It is the best and surest fruit of high civilization. Not that civilization which chisels marble and gilds *salons*, but that which marks the progress of reason, which, under certain circumstances, makes men polished, and under all renders them humane.—If you can be content to receive consistent civility, great kindness, and a temperate respect, in which he who serves you, consults his own character no less than yours, and all at a cheap rate, you will travel not only in New England, but throughout most of the United States, with perfect satisfaction.—It will be prudent at all times, to treat those who serve you, with great attention to their feelings.—It is a ludicrous mistake that you must treat every American as your companion in society, but it is very necessary that he should be treated as your equal in the eye of God." (Vol i. p. 65 and seq.)

The whole of the book that relates to New England is in a high strain of eloquence and justice.

We believe this book may be safely pronounced the best that has yet appeared upon the country. There is occasionally an extravagance of eulogium, as about the roads and the female tea-table critics, which was well quizzed at the time, and particularly by such profound arbiters as the *London Literary Gazette*; but there is a correct appreciation of the country, arising from education in it, which the best tempered foreigners rarely manifest. Take for instance the following sentence:—

"Although there are so many reasons why an imaginative literature should not be speedily created in this country, there is none, but that general activity of employment, which is not favourable to study, why science and all the useful arts should not be cultivated here, perhaps, more than any where else. Great attention is already paid to the latter. Though there is scarce such a thing as a capital picture in this whole country, I have seen more beautiful, graceful, and convenient ploughs in use here, than are probably to be found in the whole of England united. In this single fact may be traced the history of the character of the people, and the germ of their future greatness."

Just and philosophical; but it would scarcely have occurred, except to a child of the soil.

The temper in which this book is written, is remarkably moderate, as a bold and just defence of the country, without bitterness or hostility towards England; and we notice this the more particularly because it is unfortunately not the case with another work of Mr. Cooper's, which we shall mention shortly. There is a chapter in the work on *Slavery*, rather tinged by that timidity and helplessness which all our American legislators have manifested on

this subject, and a little coloured by the politeness which the citizens of the north think it necessary to show towards their southern brethren, by not venturing even to pronounce this institution an evil in the presence of the borderers of the Pedee or the Savannah. There is also an omission, which, considering the date of the work, (1828,) is somewhat extraordinary. We allude to the controversy between the northern and southern interests, which terminated in the compromise of 1833. We notice it the more particularly, because in none of his works, to our knowledge, has Mr. Cooper rendered any homage to the science which innovates without disorder, and revolutionizes without bloodshed. It is so intimately blended with his favourite study—that of government, and it has had so much to do with the progress of free opinions, that we have often marvelled he has not shown more manifestly his familiarity with political economy.

In 1830, Mr. Cooper published the last of the novels of the second class, *THE WATER WITCH*, of which we have already spoken. His mind had been deeply affected by a four years' residence in Europe, in situations which had enabled him to judge accurately of the situation of the different classes of most of the prominent states, and the result was, that he essayed a new order of romance, and endeavoured, to use his quaint phrase, "to substitute American principles for American things." But we may better first give a brief account of a controversy partaking somewhat of the same character, into which Mr. Cooper was about this time drawn. A question was raised in one of the Parisian magazines, as to the comparative expense of the French and American governments, and it was contended that the latter was necessarily the most expensive. It was just about the time that the new monarch had begun to show his retrograde tendencies, and it may readily be conceived that Lafayette looked with great dislike upon any arguments going to show that his "model government" was inferior in one essential matter to the crazy old monarchy. He appealed to Mr. Cooper for assistance. With much reluctance this gentleman consented, and threw his weight into the scale, demolishing M. Saulnier, in some articles which appeared in the *National*, the ablest paper of the continent. He also published a Letter to General Lafayette on the subject. It is unnecessary to go into the merits of the question; the French side of the argument is manifestly untenable. Look at the totals of the general budgets, 220 millions against 25, and then a few of the items—an executive of two millions and a half against one of 25,000 dollars; a war department of fifty or sixty millions, against one of four or five millions; a navy of ten or twelve millions, against one of three or four millions. How idle, to suppose the state or town expenses can balance these: and then, what is to become of the departmental expenses of France—the prefects, answering to our governors—

the *Conseils Generaux*, (of eighty-six departments,) to our legislatures—the *Conseils Municipaux*, to our corporations. All these are paid for, and whether these expenses be assessed upon the department or the *fonds de l'Etat*, or thrown upon the individuals, they add so much to the real cost of the government. But we leave this controversy, which we should not have mentioned but that we shall be obliged to allude to it hereafter, and pass at once to the last of our author's works of fiction.*

In 1831, Mr. Cooper published his *BRAVO*. It was of the first of his works that had a positive *but*, and we can not do better than transcribe his own account of the design.

"Its outline," he says, (Letter, 1834, p. 11,) "was imagined during a short residence at Venice several months previous to the occurrence of the late French Revolution. I had had abundant occasion to observe, that the great political contest of the age was not as is usually pretended between the two antagonist principles of monarchy and democracy, but in reality between those who under the shallow pretence of limiting power to the élite of society, were contending for exclusive advantages at the expense of the mass of their fellow creatures. The monarchical principle, except as it is fraudulently maintained as a cover to the designs of the aristocrats, its greatest enemies, is virtually extinct in Christendom; having been supplanted by the combinations of those who affect to uphold it with a view to their own protection. Nicholas may still send a prince to the mines, but even Nicholas keeps not only his crown but his head at the pleasure of the body of his aristocracy. With these views of what was enacting around me in Europe, and with the painful conviction that many of my own countrymen were influenced by the fallacy that nations could be governed by an irresponsible minority, without involving a train of nearly intolerable abuses, I determined to attempt a series of tales, in which American opinion should be brought to bear on European facts. With this design the *Bravo* was written, Venice being the scene and her polity its subject.

"I had it in view to exhibit the action of a narrow and exclusive system, by a simple and natural exposure of its influence on the familiar interests of life. The object was not to be attained by an essay or a commentary, but by one of those popular pictures which find their way into every library, and which, whilst they have attractions for the feeblest intellects, are not often rejected by the strongest. The object was to lay bare the wrongs that are endured by the weak when power is the exclusive property of the strong; the tendency of all exclusion to heartlessness; the irresponsible and soulless movement of an aristocracy; the manner in which the selfish and wicked profit by its facilities, and in which even the good become the passive instruments of its soulless power. In effecting such an object, the government of Venice, strictly speaking, became the hero of the tale. One of those ruthless state maxims which have been exposed by Comte Daru, in his history of Venice, furnished the leading idea of the minor plot or the narrative. A pious son assumes the character of a *Bravo*, in the hope of obtaining the liberation of a father who had been falsely accused; and whilst the former is blasting his own character and hopes under the delusion, and the latter is permitted to waste away his life in prison, forgotten or only remembered as a means of working on the sensibilities of his child, the state itself, through agents whose feelings have become blunted by practice, is seen forgetful of its solemn duties, intent alone on perpetuating its schemes of self-protection. This idea was enlarged upon in different ways. An honest fisherman is represented as struggling for the release of a grand-

* He made one or two contributions, about this time, to the *Livre des Cent et un*, a sort of club-book, containing tales and essays by the choicest of the Parisian wits. One of them, *Le bateau à vapeur*, was a satire on the inexplicable ignorance of the French in regard to every thing American, and it is true, indeed, of most matters out of their own country. They look on the rest of the world as barbarians, very much as the Greeks did.

son, who had been impressed for the galleys, while the dissolute descendant of one of the inquisitors works his evil under favour of his rank. A noble who claims an inheritance; an heiress; waterman; females of low condition, and servants, are shown as contributing in various ways to the policy of the soulless state. On every side there exist corruption and a ruthless action. Such was the Bravo, in intention at least. I confess I see nothing in its design of which an American need be ashamed."

Every countryman of Mr. Cooper will eagerly assure him, that his object does equal honour to the sound philosophy of his views and to the justice of his national enthusiasm. The Bravo does as much honour to the country of the author as to the author himself. If the same fundamental views did but animate half a dozen writers, though of talent far inferior to Mr. Cooper, we should have, before another generation could pass away, a bold and original national literature.

Fiction must, after all, rely for the permanence of its reputation upon the all-supporting basis of truth—truth, the tortoise of the Hindoo cosmogony.

Even in its really lowest form of mere appeals to the passions or the imagination, as *Fatal Revenge* and *Lewis's Tales*, or the fantastic stories of the German school, it must to a certain extent remain within the limits of possibility. But when fiction makes herself the handmaid of history, essays to paint the manners of varying ages, and to draw character as modified by circumstance, it then is eminently true that fidelity and accuracy are her highest merit. What has driven Scudéry to the bottom shelf of our libraries, but that her pages represent nothing which ever existed on the earth, nor in the heavens, nor in the water under the earth? What will make Dugald Dalgetty and Nathaniel Bumppo co-eternal with literature, but that they are vivid and faithful representations of a class of men which the changes of society no longer permit to exist?

But fiction sometimes shapes for herself a yet higher destiny, and aspires to a still more honourable calling. Not content with mere delineation of reality, she lends her aid to the advance of truth, and enrolls herself among the beneficent agents which impel the onward course of reason, justice, love to man, and obedience to virtue. It is there that fiction soars beyond the mists of things temporal, and dips her wings in the undying light of the eternal. The writers who belong to this class will for ever receive a higher place than those among their brethren, who have confined themselves to the lower walks of the art. Laclos' *Liaisons Dangereuses* is, as far as fidelity goes, and as a picture of the former state of French society, without a superior, but maugre its eloquence and its wit who now reads it? What has become of Scarron? What of the cloud of English and French novelists, whose works without object or end have sunned themselves in the morning light of a fashion and disappeared with it? And what keeps Voltaire's *Tales*

in every library, spite of their indecency and irreligion? They contain the germ of a revolution, and with the wit of a poet they have the wisdom of a philosopher. Where are the amusing fictitious productions that can hope to vie with them in duration? What has given Bulwer his reputation in our day, but that his books are the vehicles of the peculiar spirit which points to change in the most immoveable country of Europe, and to equality in the most aristocratic empire of the globe. It is with poetry as with prose, with fiction as with geometry and history. The school founded on true principles will endure, all others must pass away.

Whatever ~~then~~ may be the immediate vogue of works of fiction of this higher class, it is clear that they will command a durable reputation, (their interest being equal,) in proportion to the correctness of their author's views. Whatever judgment may be passed by the "children of the mist," the Tories, and the doctrinaires, upon this work of Mr. Cooper, there can be no doubt of that which will be rendered by us, the sons of the future. What American, confident of the eternal truths upon which our institutions rest, and satisfied that time only is necessary to teach their importance to all countries and tongues, but will rank among the highest productions of the genius of romance, the work in which Mr. Cooper has enshrined some of the principles most essential to the race—principles, the growth and nurture of our own soil? When eloquence and wit, pathos and humour, unite to urge onward the truth, they achieve their highest triumph.

We do not wonder, that with the author himself, the *Bravo* is the favourite child. He says, we have understood, that it is his only work of which he is not frequently ashamed. The *HEIDENMAUER* and the *HEADSMAN* were written within the two following years, with the same leading design as the *Bravo*, but the execution was very unequal—particularly of the former, and they added nothing to Mr. Cooper's fame.

Since Mr. Cooper's return to America (he left Paris, where he had been domiciled for some years, in the autumn of 1833,) he has given but one work to the press. It was published early in 1834, and is entitled *A LETTER TO HIS COUNTRYMEN*. As it contains some new and just views, and some the novelty of which is more conspicuous than their justice, we shall close this article with a brief notice of it. It is partly personal, partly political, and intended to establish one fundamental proposition—the predominance of foreign ideas in the thinking mind of America—their controlling influence over our literature, our fashions, and even over our politics. He illustrates this position in several ways, by the manner in which he himself has been treated by certain newspaper critics, and by what he considers the English doctrines, which have crept into the practice, or have been broached in the speeches of many

of our statesmen, particularly on the subject of the Deposit and Protest controversy. We shall take no notice of the political part of this production; we could scarcely examine or expound Mr. Cooper's views, without going at large into the merits of a contest wholly foreign to our main subject—the author's literary character.

The personal part of this work we are obliged to consider as unfortunate. The instances specified do not prove the charges brought against the country, and they show a sensitiveness on the part of the author, more than any thing likely to impair his reputation. The world is very apt to doubt that a man has possessions about which he himself seems to entertain a question.

Mr. Cooper first enters into a defence of himself against the charge of having written for money, or rather of having taken exorbitant prices for his works. He says, (Letter, p. 6.) "I have been repeatedly and coarsely accused of writing for money, and exaggerated accounts of my receipts have been paraded before the public, with views that it is not easy to mistake. Of this accusation, as I feel it is conceding a sacred private right to say any thing, it is not my intention to say much." He should have said nothing. It may be well enough for the caterers of news, to ferret out Mr. Cooper's contracts with his publishers, and cook up a nice *compte rendu* for those who have a relish for their neighbours' private affairs; but with what other "views" than this it can have been done, it seems to us difficult to imagine. We doubt not what he indignantly says—"I have always refused to sacrifice a principle to gain, though often urgently entreated to respect the prejudices of foreign nations with this very view." (P. 7.) But it is wholly beneath Mr. Cooper's dignity to pay any attention to a charge, if charge it can be called, which comes from no responsible quarter, and which only amounts to his receiving a just compensation for his labours. If he were accused of bilking his bookseller, or pocketing the entire receipts, it might be necessary to reply—but to say that he has received a large sum of money for any given production, is only to announce a fact honourable to the author who produced the successful work, and to the public who appreciated it.

The author goes on to the next head of crimination. "I have been accused of undue meddling with the affairs of other nations." (P. 7.) He refers to the controversy respecting the comparative expenditures of the French and American governments, of which we have already spoken. The quarter from which this charge proceeded is equally obscure, and it was equally unworthy of Mr. Cooper's attention. No American in his senses, unless from feelings of personal hostility, will ever condemn him for having taken the side of his country in a dispute where the great merit of

free institutions, cheap government, was, through ignorance or ill will, denied her. He did the republic good service, by his publications in that matter, and should never have dreamed that he needed any apology or explanation of his conduct. It explained itself, and required no recommendation to any right-thinking American. If Louis Philippe himself had descended into the arena, Mr. Cooper, uninvested with office, and committing no one but himself, would have been perfectly at liberty to correct his Majesty's blunders. Who then can doubt the propriety of his entering the lists with M. Saulnier?

The author then proceeds to do battle with the New York American, Commercial Advertiser, Courier, and a critic of the first named paper, styling himself *Cassio*, although he at first "declines all controversy with that individual." We have always thought one of the fundamental laws of the duello to be the equality of the combatants, and we will never admit that between Mr. Cooper, in his capacity of novelist, and an anonymous correspondent, there exists any parity of standing sufficient to justify the former in entering the lists against him. Who would ask the reputation of a *CITOYEN DES DEUX MONDES*, from a critic without a name? But, says our author, the article was written in France. We believe it is now pretty well known, that this supposition was incorrect; but if it were, it would prove nothing more than that one of the lean kine of literature, without any ideas of his own, had pressed into the service the thoughts of some foreign writer. No, says Mr. Cooper, it furnishes conclusive proof of our subserviency to foreign opinions, when we import foreign criticisms unfavourable to native writers. It would be rather late in the day for the *Journal des Debats*, or any of its *feuilletonistes* in 1832, to undertake to write down the reputation of the author of the *Bravo*.

The criticism in question, may have been good, bad, or indifferent; we fancy at the worst that it proves little more than that the writer had not the good taste to appreciate a very interesting and eloquent work, and we here leave the matter, with the repeated expression of our regret, that Mr. Cooper should have thought fit to attach to it so much consequence. The editors in question, as well as *Cassio*, had an undoubted right to their opinion; but we cannot see why Mr. Cooper should have taken for granted that they were the official organs of American sentiment in regard to him, or have inferred from two or three bitter, and perhaps very irritating reviews, that he was losing ground with his countrymen—a supposition so easily shown to be wholly unfounded. It reminds one of Byron's rage with the *Quarterly*, while the whole world was alive with curiosity and enthusiasm about him.

The general charge of subserviency to foreign opinions, deserves

more mature consideration. So far as it goes, it is certainly "a practice degrading to the character, and if persisted in, may become dangerous to the institutions of the country." But we apprehend that its extent has been very materially exaggerated by our author. Indeed, this whole book seems to us to have been written a little too soon after Mr. Cooper's return to his country. We have rarely known an American remain long in Europe, who did not, upon his coming back, require a certain time, longer or shorter according to the strength of his character, to be as it were re-naturalized. They either become fascinated by the splendour and exclusive habits of the upper classes of Europe, and lose their relish for that wholesome equality which forms the excellence of our institutions, or they forget the real state of the republic, and imbibe false views of its condition and temper. Into the former of these errors Mr. Cooper's boldness, independence, and patriotism could never allow him to fall; but in the latter respect his mind seems to have received an unfavourable bias. What a difference is there between the calm confidence of the *Notions* and the asperity of this *LETTER*!

Mr. Cooper embarked in a controversy intimately connected with the honour of America, in which he was unsupported by his countrymen, and in which two of his most prominent fellow citizens were quoted against him. It is not surprising that he came to entertain the low opinion he holds of the national feelings of this people. But as regards the vast body of the American nation who make the laws, govern the country, and form its public mind, nothing can be more unfounded. Were it true, we should indeed be a singular people. Such an assertion could scarcely be predicated of the meanest tribe on the Guinea coast. The great body of the country is, as a general rule, thoroughly imbued with a distinctive character; they acknowledge as little allegiance of thought as of dominion.

Mr. Cooper says of the whole country—"The practice of quoting the opinions of foreign nations by way of helping to make up its own estimate of the degree of merit that belongs to its public men, is I believe a custom peculiar to America." That class which is pushing on the material civilization of the country, who never borrow any thing from the old world but to improve it, who take the models of their mechanics only to make some valuable additions, and who copy their laws only to adapt them to free institutions, will scarcely know what to make of such a sweeping sentence of "condemnation."

Mr. Cooper has fallen into singular inconsistencies on this subject in the very publication before us. He says, p. 45, "As between me and my country the account current of both profit and honour exhibits a blank sheet, I have never laid any claim to

having conferred either, and I do not feel disposed to admit that I have received either;" but, p. 98, he says, "It has been asserted lately that I owe the little success I have met with at home to foreign approbation. This assertion is unjust to you. The *Spy* was received with a generous welcome that might have satisfied any one that the heart of this great community was sound." Undoubtedly its heart was sound, and if sound in 1822, why not so now? Has any cloud passed over the thirteen stars since then? Is the eagle's eye less bright? Has any thing taken place to lessen that national pride which is the true basis of patriotism?

And if the assertion which we have just quoted be correct, what foundation is there for such a charge as Mr. Cooper makes on p. 43?—"Unhappily, there are many reasons why this country can give fame to no one"—and again, p. 110—"Every hour convinces me, more and more, that we are a nation only in name—let Mr. Webster and Mr. Calhoun say what they please about it." Certainly nothing more offensive ever fell from the lips of those admirers of European institutions, with whom Mr. Cooper has waged so long and honourable a warfare. It seems that his temper has given out in the struggle, and that he has really begun to believe that a majority of his countrymen take sides against him and their own land, with Louis Philippe, Wellington, and Metternich. All the concluding paragraphs of the letter are in the same fatal temper—we know no other word for it; it must, if unchecked, prove fatal to his reputation.

"The American who wishes to illustrate and enforce the peculiar principles of his own country, by the agency of polite literature, will for a long time to come, I fear, find that his constituency, as to all purposes of distinctive thought, is still too much under the influence of foreign theories, to receive him with favour. It is under this conviction that I lay aside the pen.—I confess I have come to this decision with reluctance, for I had hoped to be useful in my generation, and to have yet done something which might have identified my name with those who are to come after me. But it has been ordered differently. I have never been very sanguine as to the immortality of what I have written, a very short period having always sufficed for my ambition; but I am not ashamed to avow, that I have felt a severe mortification that I am to break down on the question of distinctive American thought.—So far as you have been indulgent to me, and no one feels its extent more than myself, I thank you with deep sincerity; so far as I stand opposed to that class among you which forms the public of a writer, on points that, however much in error, I honestly believe to be of vital importance to the well-being and dignity of the human race, I can only lament that we are separated by so wide a barrier, as to render further communion, under our old relations, mutually unsatisfactory."

We confess it is with sincere regret that we copy these paragraphs, that show what unjust suspicions are corroding the mind which should entertain only a feeling of honest pride in all that it has done for the reputation of its native land. We regret this sensitiveness the more, for we cannot but consider it a certain, though unfortunate proof of the force of that national feeling,

which has so often kindled in him a brighter flame. It is plain, that his dearest fame is that which he has gained in America, and that all the homage he has received abroad is tasteless and unsatisfactory to him, while he thinks his star is waning in his native land. Let him recur to the cheerful spirit which penned the Preface to the third edition of the *Spy*: "We are told by the booksellers, that the public is pleased with the tale, and we take this occasion to say that we are delighted with the public." If this be Mr. Cooper's fixed temper, it is not hazardous to predict that he has passed the zenith of his fame. Break down on the question of distinctive American thought, indeed! One of his genius, who maintains the great cardinal American principles, can never break down, till the republic itself give way; and far superior abilities would not sustain him, if he suffer himself for an instant to falter, from an undying belief, not only in the permanence of our institutions, and the truths upon which they rest, but that they will confer honour upon all those who vindicate them against the ignorant arrogance of the old world, and the upstart presumption of the new. Certain it is, that until Mr. Cooper told us of it himself, we never dreamed his reputation was less than his deserts—and as to his deserts, we have already expressed our opinion.

We have lately recognised Mr. Cooper's hand in several able communications in an administration paper of the city of New York. Many of them treat of the French Question, which he views as a matter intimately connected with our national honour and highest interests. He has affixed to these articles an elementary signature (A. B. C.), but they bear intrinsic marks of their author. We hear that he is engaged upon a satire, to be entitled *THE MANNIKINS*. If he succeed in this, it will be a triumph in what has been to him, hitherto, an untried path.

ART. VIII.—THE FRENCH QUESTION.

- 1.—*Message from the President of the United States, of the 17th January, 1833, transmitting to the House of Representatives sundry papers upon the subject of the claims against the French government, for spoliations on American commerce, since September, 1800. Washington: 1833.*
- 2.—*Message from the President of the United States, of the 27th December, 1834, to the House of Representatives, transmitting correspondence with the government of France, in relation to the refusal of that government to make provision for the execution of the Treaty between the United States and France. Washington: 1835.*
- 3.—*Proceedings and Discussions in the French Chamber of Deputies, on the subject of the Treaty between France and the United States, which was signed at Paris on the 4th July, 1831. Translated from the Paris Moniteur, by order of the Secretary of State of the United States. Washington: 1834.*
- 4.—*Rapport fait au nom de la Commission chargée d'examiner le Projet de loi relatif au Traité du 4 Juillet, 1831; par M. DUMON, Député de Lot-et-Garonne. (Séance du 28 Mars, 1835.) Supplément au Journal des Débats, du 29 Mars, 1835.*

THREE months ago we prepared some observations upon the history of our relations with France, the publication of which it was thought best to postpone until the progress of events should enable us to terminate them with less abruptness and uncertainty than we were then obliged to do. Although we are still, and may remain until we are compelled to go to press with the present article, without information of the final action of the French Chambers, it seems to be generally understood that the bill presented to the Deputies in February last, will become a law. How far it may be deemed a satisfactory fulfilment of the treaty, is another question, upon which we may remark hereafter. For the present, however, we are content to look upon it in the light of an effectual compliance with past stipulations, or at least to be received in lieu of such compliance, and as affording in its reception and passage an earnest of a returning sense of justice, and a pledge of future amity. Our object now is to review the past, and to place before our readers some of the principal incidents of a series of transactions, certainly the most anomalous and peculiar which have occurred in the history of our foreign intercourse. We have determined to do this, notwithstanding all that has been so ably said and written upon the subject, because, in so wide a field of discussion, many points have necessarily been omitted, or but cur-

sorily touched; and because, entertaining as we do a strong, independent impression of our own in regard to the whole controversy, neither hastily adopted nor readily to be removed, we deem it our peculiar duty, connected as we are with a grave and patriotic journal, to incorporate it therewith, and in doing so to make a record of the facts from which it was derived.

In accomplishing this we may deem it necessary to violate the epic rule a little, and in our eduction of the Trojan war "*ab gemino ovo*," to transgress the Horatian maxim. That we are under this necessity is not, however, any fault of our own, but of those who, not content with twenty years of spoliation and twenty years of diplomacy, have recently opened back for themselves and for us, the old interminable history of neutral rights and violated decrees, with their long chain of clashing consequences. It was time to set ourselves to school again, when we found that the discussion from being executive, was, on both sides of the water, to become representative; and that the difficulties which the coolness of cabinet deliberation had spent a quarter of a century in removing, were forthwith to be sprung afresh as topics for heated and inflammatory appeals to the various feelings and interests of a popular assembly. Here, to be sure, no one has asserted any intention of opening a similar discussion; but not a few have been found who have justified its propriety in the French Chamber, and will scarcely listen to the suggestion that a popular body may exceed even the plenitude of its extensive powers. Be that as it may, the exercise of a high and at least a dubious prerogative, has already so nearly disturbed the harmony of the two nations, that it behooves them both, and certainly America not the least of the two, to study the grounds on which it has been asserted; that in the multiplied relations which the future promises to produce, the past may serve as a guide and a beacon.

The ferment to which the President's message to Congress of last December gave rise, was in all points of view a beneficial one, whether the recommendation therein of a particular remedy for the breach of the treaty, was or was not well advised. The subject was one upon which too much apathy prevailed in both countries. In the United States attention enough had not been bestowed upon the history of the negotiation which terminated in the treaty, nor upon the unceremonious manner in which the treaty itself was dispensed with in France. In the latter country the payment of twenty-five millions, so important to the debtor, was deemed of no consequence to the creditor. The Duc de Broglie resigned, and the dun of five and twenty years was supposed to be silenced. "Let us not hesitate to reject the treaty," said M. Salverte from the tribune; "a refusal will not be the signal of a rupture between the United States and France. The immediate consequence of a rejection will be, an overture for, and a conclu-

sion of, a new and more equal convention." "The spirit of speculation," such was the remark of another orator concerning us, "rarely sacrifices an actual gain to the future prosperity, much less to the dignity of a country. The voice of private interest prevails over that of national honour." With such sentiments concerning our national energy and character, the deputies went quietly to repose. We say, therefore, that the message which disturbed that repose, which convinced M. Salverte that one solemn treaty being repudiated, we should not go to the trouble of making another; and which satisfied M. Bignon that we had not entirely adopted the ironical apostrophe, "*Quid enim salvis infamia nummis?*" for our literal maxim, could not be otherwise than useful, conveyed as it was from a high department of the government, in an official communication to the assembled representatives of the states and the people. It intimated to France that whatever construction she might be disposed to place upon the deliberate acts of her government, we had adopted and should adhere to our own; that the day of entreaty had gone by; and that in this regard at least, we had done with ante-chambers. It called the attention of England and the English press to an extraordinary breach of engagement, and to a construction of the treaty power to which Europe had, till that time, been a stranger. It called her attention, too, to a very slack and vague impression of the sanctity of a pecuniary promise—a fault by which the "*nation boutiquière*," to her credit be it spoken, is always exceedingly scandalized. It touched France, therefore, not merely with apprehensions of a vexatious custom-house, and perhaps maritime war—apprehensions which, in a good or glorious cause, she is as capable of despising as any nation on earth—but it annoyed her with the idea of such a strife entered upon for a very inadequate and mercenary end; for a dubious right, and on questionable grounds, with her nearest European ally opposed to her in sentiment, and her most valuable customer at once converted from a paying friend into a capturing enemy. So much for the effect of the message. Whether the time had come to produce that effect, as a proper and decorous effort on the part of the American nation, the state of the issue on the 1st of December will best enable us to judge.

The unanimous vote of the House of Representatives has decided, that so long ago as the 2d of February, 1832, we acquired certain rights from France by a solemn stipulation with that nation, and that those rights are of such a nature that it neither comports with the honour nor interest of the United States to suffer them to be modified or abrogated. That vote asserted what the sense of the universal nation dictated—that we stood no longer upon litigated points, on appeals to magnanimity and justice, or on the mere provisions of the law of nations. The United States, through their representatives, invoked the bond mutually executed,

and on their part strictly observed, guarantying to us a liquidated sum, payable at fixed periods, in consideration of ancient injuries received, and new benefits to be conferred by us. We had concluded and ratified our bargain with the legitimate authority delegated by France for that purpose among others. We had on our part punctually fulfilled the conditions precedent of that bargain, without an intimation that compliance with them would be nugatory. France had taken, was still taking advantage of our punctuality, thereby adding another seal to the solemnity of her previous engagements. Whether it would have been proper for our government longer to postpone the disagreeable intimation that she was under certain obligations in return, we shall endeavour to settle, not by a reference to any code of diplomatic ceremonial, but by an appeal to the instinctive self-respect of every American citizen, who will follow us in a short review of the history of the question.

England and France became avowed and fierce enemies in 1793, and so remained, with the short intermission of the peace of Amiens, for twenty years. With the war of 1793 began the practical exposition of the new principles of maritime law—the law of the strongest—which were openly acknowledged and unblushingly defended on its re-commencement in 1803, by both belligerents; and which, strange as it may appear, seem not to have been without champions in a recent legislative assembly. So early as March, 1794, President Washington presented the subject to Congress in a separate and formal message—a ceremony which he and his successor, up to the year 1800, had frequent occasion to repeat. The measures which the United States found it necessary to adopt for the vindication of their sovereignty, led at last to the convention with France of the 30th September, 1800, which, by the agreement of the contracting parties, was to remain in force for eight years. By this convention, all questions concerning the construction of pre-existing treaties, and of general indemnity for the violation of those treaties, were left untouched, though provision was made by the fourth and fifth articles for the restoration of captured vessels and cargoes not then condemned, and for the recovery of debts. The claims, by the way, accruing under those articles, and others intervening between the conclusion of the convention of 1800, and that of the Louisiana treaty, amounted, aside from those which have been adjusted, to the sum of \$1,564,538 52,* all which were outstanding and unsettled up to the date of the recent compromise of Mr. Rives. The stipulations of the convention, however, which chiefly demand attention, (for the claims which originated prior to 1800 are no longer to be insisted upon,) are those which provided for the future security of our maritime

* Vide Mr. Van Buren's Instructions to Mr. Rives, 20th July, 1829.

rights, and which, had the whole history of the succeeding ten years been spread out before the American negotiators, could hardly more accurately have anticipated the exigencies of the case. These stipulations guaranteed, in brief, free commerce between the contracting parties, and between either party and the enemy of the other, unless to ports actually blockaded, and that in the latter case no capture should ensue until after notice given. They specified articles considered contraband of war; asserted broadly the principle that free ships make free goods; defined the documents requisite to establish the national character of the vessels of each party, in case of war with a third power; distinctly limited the right of search, and provided for the manner of its execution; directed that receipts should be given for all the papers of a captured vessel, the hatches of which were never to be broken at sea; and finally, they explicitly declared that no prize should be condemned, save by the regular courts established for the cognizance of prize causes in each country respectively, and that the motive of condemnation should appear in the sentence.* We shall see, by and by, the construction by which it was attempted, so late as the debate in the French Chamber in April, 1834, to gloss over the gross infractions to which every article above mentioned was subjected during the whole term of eight years, to which the convention was limited.

The Louisiana treaty and its accompanying conventions were signed on the 30th April, 1803. As a part of the consideration for the cession, the United States assumed the debts of France to the citizens of the former country, contracted previously to the 30th September, 1800, under certain reservations, and to an amount not exceeding twenty millions of francs; and France, on her part, admitted the competency of the citizens of the United States to demand payment of all debts contracted by her to them subsequent to the same date. By the estimate to which we have already referred, the outstanding claims in behalf of our citizens under this stipulation would amount (were they not extinguished by the late treaty) to \$134,786 06. It does not appear that, up to the conclusion of the Louisiana treaty, any violations of the convention of 1800 of sufficient note to be made the subject of negotiation, had taken place. Nor would the comparatively trifling item above stated to be due, under the 12th article of the former instrument, be deemed of sufficient importance to find a place here, were it not for the pertinacity with which the French cabinet has uniformly urged another branch of the same transaction, the eighth article of the treaty of cession providing, as it alleges, a perpetual privilege for French shipping in the ports of Louisiana.

* "Convention between the French Republic and the United States of America," finally ratified at Paris, 31st July, 1801.

The assertion of this privilege, worth to France by accurate calculation but 14,000 francs per annum, and daily diminishing in value, (as the American tonnage by the economy with which it is navigated is monopolizing the carriage of freight,) and depending moreover upon a construction utterly repudiated by the United States, has been one of the principal means by which France for a series of years has evaded not merely the payment of a sum secured by the same treaty, and of which, small as it is, 14,000 francs per annum would not pay half the interest, but of withholding from the citizens of the United States very many millions upon which France has not paid and never will pay any interest at all. We shall have more to say upon this topic hereafter. It has been a favourite one in the Chamber, as it so long was with the ministry, because both one and the other well knew that their construction of the eighth article is diametrically opposed to the provisions of our Constitution, and of course can never be yielded to by the United States. It is therefore one of the stalking-horses under which the real hostility to our pretensions has been most frequently concealed.

Premitting any detail concerning that item in the estimate of the American claims which arose between the execution of the Louisiana treaty and the year 1805, we will barely mention that its amount is \$1,065,081 98, and that it was consigned to oblivion along with its predecessors on the conclusion of the late convention. All the grounds of claim already mentioned were over and over again rejected by the French ministers, and held not to form any part of the consideration on which indemnity could be sought. We are not prepared to say, that at the close of a harassing negotiation, the American minister did wrong in waiving these claims; but we mean to be understood that, aside from Mr. Rives's late arrangement, the greater part of them were indisputably valid, and must be so represented in a historical review of our intercourse and negotiations with France. We pass however to more important considerations.

The year 1806 exhibited our commerce literally crushed between the orders and decrees of the European belligerents, like the ships of the ancients between the shifting Symplegades. We played a great game with fortune, and were burned, pillaged, and confiscated on every sea and every shore: at peace with all the world, yet every where treated as an enemy; the only carrying, almost the only commercial neutral, entitled under every law to full immunity, yet bearing as it would seem, the *caput lupinum*, the sign of outlawry at our very mast head. Great Britain drew a magic circle round the continent, within which it was ruin to penetrate, though there was not so much as a buoy to indicate its existence. France, like the magnet mountain in the romance, but wrecked the adventurer whom she attracted to her coasts.

The universal law was founded on the ethics of victory, and administered by judges in uniforms; and if men embarked their fortunes on the ocean, it was but as a gamester pawns his gold, with a prayer to the genius of possibilities. The English admiralty notoriously shaped its decrees according to the dictates of the ministry—the French Emperor went farther, and reversed the most solemn awards of his own tribunals, which at last he dispensed with altogether. If an American of the present generation, proud of the character and confident in the resources of his country, should inquire wherefore it submitted to this protracted piracy and outrage, we can but turn his attention to the immature strength and undeveloped resources of the United States at that period; and to that anomalous and painful state of our domestic politics, which not only embarrassed the action of the national government, but kept the country suspended between two powerful enemies without the opportunity of successful resistance to either.

The celebrated Berlin decree of the 21st November, 1806, openly and in terms cancelled, with a stroke of the pen, all those provisions of the treaty of 1800, and of the law of nations, on which the United States had relied for their security and protection. It was the imperial warrant for plunder, the avowed revocation of that principle to which the honour and faith of France had six years before been solemnly pledged, that the flag of the Union should, with the single exception of contraband, render inviolable the property beneath it. To that revocation the United States never assented, and they protested against that conduct "*digne en tout des premiers âges de barbarie*," which adopted while it reprobated the example of an adversary, and completed the injustice of which it complained.* The Milan decrees of the 23d November and the 17th December, 1807, shortly taught us however that this was by no means to be the limit of our evils, and that it would not be easy to define the extent of profitable aggression. The first gave to the officers of the customs full powers, on *bare suspicion* of false certificates or oaths of origin, to place property to any amount in embargo, to await a decision protracted occasionally for years; the other, with a gratuity of insult, stripped the flag from every American vessel which by chance or necessity had submitted to the visit of a British cruiser, and declaring it by that means to have become *denationalized*, (*denationalisé*), gave a new term as it had given a new law to the administration of despotism. Still it was supposed that even despotism would respect its own voluntary stipulations, and that the fortunate few who, allured to the attempt by the official language of the *Moniteur*, and the express invitations of the imperial

* Vide the considerations preliminary to the Berlin decree, particularly the 4th, 7th, and 8th.

commanders, should evade the vigilance of hostile cruisers and reach a port in safety, would not only be received but warmly welcomed. Numerous vessels accordingly entered the ports of St. Sebastian and Bilbao, then held by the French, and commanded by General Thouvenot, during the winter of 1809-10. By the order of the Emperor of the 10th February, 1810, these vessels with their cargoes were directed to be seized, and the decree of Rambouillet of the 23d March following, ordered the seizure and sale of all ships and cargoes under the American flag which had arrived in the ports of France, or of any country held by her armies since the 21st May, 1809, and their proceeds to be deposited in the *Caisse d'amortissement*. By the decree of Trianon, of the 6th August, 1810, these proceeds, and those of certain seizures in Antwerp and Holland, of which more may be said in the sequel, were declared to have become the property of the state. On the same 6th of August, the Minister of Foreign Affairs wrote to General Armstrong, that after the first of the following November, the Berlin and Milan decrees should no longer be considered in force. On the 28th April, 1811, the decree of revocation was signed, formally communicated to the government of the United States *on the tenth of May*, 1812, and the confiscations of American property, as if in ridicule and contempt of all engagements, continued up to the beginning of 1813.

All these decrees were palpable and gross violations of the public law and the commonest dictates of morality and good faith, as the first two of them were of the unexpired treaty of 1800; nor have we ever been enabled to perceive, by what shade of difference they can be distinguished in their application from any other exercise of sheer power directed against a third party, for the purpose of annoying an enemy. They stand upon precisely the same ground in principle with a class of wrongs, expressly admitted in the negotiations before us, to present a ground for indemnity, to wit, the capture or destruction of friendly vessels at sea, to prevent the communication of information to the opposite belligerent. The right of France to make reprisals upon England for her Orders in Council, so often and so gravely asserted, if sufficient to abrogate rights solemnly guaranteed to us, would in principle leave the construction and execution of a treaty entirely at the mercy of events, not contemplated by either of the contracting parties, and over which neither of them could exercise any control. The weaker party must thus be necessarily dragged into all the political schemes and measures of the stronger. It would in fact make every commercial convention *a treaty of alliance*. The same reasoning applies to the pretension of France, that the convention of 1800 was executed under the tacit and implied understanding, that the United States should cease to enjoy the benefit of neutrality with France, when it ceased to make its neutrality respected

by other nations, France being the party to decide upon the exigency. Who in fact doubts at this day, that the measures of Napoleon were originally intended to produce a war between us and Great Britain, by stimulating the latter power to retaliatory injury, or to place us on the other horn of the dilemma, that of forfeiting by construction all claim to indemnification under the treaty of 1800? Nothing but the imputation of bad faith in their conduct towards Great Britain can repel the force of these considerations in behalf of the United States, and the day for that imputation went by in 1812.

But aside from the reprisals on Great Britain, another apology for the execution of the Berlin and Milan decrees has been sought, by representing their application in the light of reprisals upon America for the Embargo act of 1807. This argument is, however, of recent origin. Napoleon did indeed affect in some instances the enforcement of our own law upon our own citizens, but the pretext was too shallow to outlast the occasion. General Armstrong, it is true, appears to have been mystified, and the American government insulted by it, on the 25th April, 1808—for in a postscript to his letter of that day to the Secretary of State he says, “I have this moment received the following explanation of the order to seize all American vessels now in the ports of France, or which may come into them hereafter, viz., that it directs the seizure of such vessels because no vessel of the United States can now navigate the seas *without infracting a law of said States*, and thus furnishing a presumption that they do so on British account or in British connexion.” But notwithstanding this, and the more recent assertions of the Duc de Broglie to the contrary, the Embargo was a measure not at all displeasing to the Emperor—nay, it was one which has been shrewdly suspected to have originated in his own dictation. He repeatedly applauded it as the result of the same spirit which dictated his own “continental system;” and he instructed his minister, the Duke of Cadore, to characterize it as the result of “la noble resolution qui avait déterminé, les Américains de s’interdire les mers, plutôt que de se soumettre aux lois de ceux qui veulent s’en faire les dominateurs.” But the absurdity of the argument which would excuse the French spoiliations under the Imperial decrees, by asserting them to have been retaliatory of the Embargo act, will be obvious at once when it is recollected, that the Berlin decree was promulgated on the 21st November, 1806, the first Milan decree on the 23d November, 1807, and the second on the 17th December of the same year—while the Embargo act did not become a law until the 22d December, 1807, and was not even made the pretext for seizure until April, 1808.

The Embargo act was nugatory, but it violated no rights save those of our own citizens. Yet by the argument to which we

have adverted, its violation or its observance must equally have exposed us to wrong and outrage. Under the former branch of the alternative, our vessels were confiscated by the order of April, 1808; under the latter, the nation has been held responsible for it as a measure of reprisal, and an abandonment of neutrality. Napoleon adopted the first, because he wanted our property; the Chambers advanced the second, because they were unwilling to pay for it—and we may deem ourselves fortunate that we had not to meet a claim to remunerate France for locking up our own harbours, or for enforcing against our own ships a penalty instituted by herself, against the violation of our own municipal regulations.

It is with more show of reason, that the Non-Intercourse acts of 1st March and 28th June, 1809, have been held to authorize measures of reprisal; yet every one who has read the history of these times knows perfectly well, that they were aimed against another power; that they were in strict pursuance of the same line of policy which had dictated the Embargo; that from the very position of the belligerents, they could not (as in fact they never did) inflict the slightest evil upon France, who had not a sail upon the ocean; and that, finally, the repeal of the second act, the first having expired, was universally considered in America as a triumph over that political system which had so wonderfully adapted itself to the views of the Emperor, as to produce, in the minds of a large portion of the community, the most painful apprehensions. Yet during our whole negotiation with France, as well as in the debates of 1834, it has been assumed, and in the final settlement the principle was retained, that this one measure of the United States, co-incident as it was with the policy of the Emperor, distressing only to his enemy, and under which, not even in form, did the French nation suffer the loss of a single dollar, not only justified the succeeding decree of Rambouillet, but also all the confiscations under those of Berlin and Milan, which could not be brought within the exceptions of prematurity or irregularity, and that it completely divested the United States of all rights as neutrals under the laws of nations, and abrogated their claims for prior violations of the treaty of 1800. It requires no great acuteness of vision to see that this reasoning can have but one termination, that of placing the power to do wrong with impunity, where the inclination to do it at all hazards is most frequently to be found—in the hands of the strongest. France had only to go far enough to provoke a perfectly ineffectual and innocuous retaliation, (which in this instance, as we have seen, was in form only injurious,) and not only were all the long arrears of past spoliation expunged, but she obtained a charter for an Iliad of future wrongs. What is the common sense of this transaction, and of the relative rights and injuries of the two parties? Technically, the Non-Inter-

course acts were a violation of the treaty of 1800, which, however, at the passage of the second of them, wanted but one month of its expiration, the eight years to which it was limited dating from the exchange of ratifications, 31st July, 1801. Of the Non-Intercourse itself, the Duc de Broglie very pertinently remarks, that "it did not at all resemble the Berlin and Milan decrees; it did not interdict neutral commerce with France, but it exerted a power which belongs to every government, namely, that of closing its own ports, as every man has a right to shut up his own house. But it must be confessed, that the Convention of 1800, which had yet three months to run, is at variance with the spirit of this law. I ought to add, that the law was never applied, and that not a single French vessel was condemned under it." But will France set up the Convention of 1800, and strike a balance under it with us for its violation? The result would be ten millions of dollars in our favour. Will she declare it abrogated by the necessities which forced her to issue her decrees in 1806-7? Then surely she cannot reinstate it as against us in 1809. The necessity that justified her deviation from it for her own benefit, will at least excuse ours to our own loss. She must either blow hot or cold. Setting aside the treaty altogether, will she appeal to the law of nations? She had long deprived us of all the benefit of that law, in consequence of a state of circumstances which she herself had brought about, and yet she would enforce it to our harm. But we are willing to admit its application, and will take upon us to show, if she appeals to the doctrine of reprisals, that three-fourths of her confiscations were improper in fact, and irregular in form; nay more, that under that law the decree of Rambouillet, and the proceedings under it, were utterly unjustified in principle by the American Non-Intercourse acts, which were as far as possible from that "flagrant injustice" which the writers upon the general law allude to as authorizing reprisals. Besides, if the Non-Intercourse was so great an indignity to France, why were not measures of reprisal *eo nomine*, resorted to for a whole year after the first American act became a law?—nay, for near a year after its expiration, and but a month previously to that of the act which had been substituted for it. The fact, moreover, that Napoleon's ministers never adverted to the expiration of the first Non-Intercourse act, and its renewal by the act of June, 1809, shows very plainly that it was not looked upon as a hostile measure, or considered detrimental to France. The Duc de Broglie, after all his evident attention to the subject, speaks of it, even in 1834, as a law enacted on the 1st of March, 1809, for one year, and expiring in March, 1810, when in fact the second act did not expire by its terms until the adjournment of Congress, on the 1st May, 1810.

The decree of Rambouillet was not only unfounded in principle, but was applied in violation of the plainest principles of universal

equity. It was directed to be enforced, as we have already seen, against all vessels of the United States which might, after the 20th May, 1809, have entered a port of France or its colonies, or any country occupied by its armies. It ordered their *immediate confiscation*, and that the proceeds should be deposited in the *caisse d'amortissement*, thus violating another prominent principle of the law of reprisals, which directs that no confiscation shall take place but where redress has been refused and is become hopeless. A retroactive operation, embracing a period of ten months, by which an immense amount of property was swept into the French coffers, without possibility of notice, was an inherent characteristic of this act of power; which, exercised as it was against the effects of a friendly nation, trading, not only with the confidence of a neutral, but entering French ports at the express invitation of French commanders, deserves to be stigmatized as the most perfidious and wanton abuse of authority which that unparalleled era can present. As an act of profligate despotism, (though individual liberty was less affected by it,) the detention of British subjects after the rupture of the peace of Amiens, is far behind it. That was the act of one enemy towards another; an enemy pushing, it is true, his means of offence to an extremity not only of retaliatory but vindictive injury, but pushed in his turn far beyond the limits of ascertained or permitted right. This was the cool and calculating perfidy of a professed but insidious friend, who erects a beacon, not for safety but for spoil. In fact, it has been viewed in that light by almost every French ministry to whom the subject has been presented; and the St. Sebastian seizures, and all others which depended upon the retrospective application of the Rambouillet decree, have been admitted to present a fair ground of indemnification. It was the Chamber of 1834 which first discovered that "they admit of doubts, and afford matter for discussion."

One word more about this decree as an act of reprisal. Whoever will take the trouble to consult the diplomatic correspondence between the American minister General Armstrong and the Duke of Cadore, in 1809-10, will discover, that so early as the 29th April, 1809, the passage of the first Non-Intercourse act, "as a precautionary measure, adopted solely with the design of protecting the property and rights of the United States, and of appealing once more to the interests and the sense of justice of those who wish to destroy them," was communicated in the above terms to the French Minister of Foreign Affairs, and the receipt of the communication acknowledged; that its full extent and operation were known and comprehended; and that no intimation or thought of retaliation was suggested or entertained, until the Emperor lost all hope that hostilities with Great Britain would ensue from the repudiation of Mr. Erskine's treaty, and the subsequent rupture with his successor. It was, then, nearly eleven months after he

was informed of this intolerable American act, and twenty days after its principle was supposed in France to have ceased to operate, that he found himself "compelled reluctantly to resort to reprisals"—retrospective reprisals, for an act of which he had had immediate notice, from which he had not suffered, of which he had never complained, which he actually believed to have expired, and which in the first instance was provoked by his own flagrant injustice. We remember similar reprisals in the case of the lamb, that, standing below the wolf, was so unfortunate as to muddy the stream.

We have arrived nearly at the close of the first act of the drama, and our elder readers, who are familiar with its details, must excuse us that it is so long protracted. There is a generation on the stage of our country, who were in their childhood when these transactions took place—it is proper that they should know, so far as our epitome can give them the information, the true nature and extent of the grievances which it may yet fall to their lot to redress. The consequences of wrong spread too widely and too far to permit their origin to be forgotten, and it is not the least evil of great moral convulsions, that they scatter the seeds of difference and distrust over the relations of those who are strangers to the violence in which they commenced. We cannot know too thoroughly the ground on which we are to debate with a skilful antagonist, and the assurance of right is a no less energetic and necessary weapon to the successful issue of the encounter than the confidence of power.

By an act of Congress of May 1st, 1810, it was provided, that in case either Great Britain or France should, before the 3d of March, 1811, so revoke or modify her edicts as that they should cease to violate the neutral commerce of the United States, which fact should be declared by the proclamation of the President; and if the other nation should not, within three months after the date of the proclamation, in like manner revoke her edicts—then the material provisions of the Non-Intercourse act should be revived against the power so refusing or neglecting to revoke or modify them. The Emperor, through his Minister of Foreign Affairs, under date of the 5th August, 1810, pledged himself to the Minister of the United States, that from and after the 1st November, 1810, the offensive decrees should be repealed, "it being well understood, that in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have attempted to establish; or that the United States, *in conformity with the act which you have just communicated*, shall cause their rights to be respected by Great Britain." Relying on this pledge, the President, by proclamation of the 2d November, 1810, declared that the edicts of France had been repealed. Yet on the very day of the date of the Duke of Cadore's letter, stipu-

lating for the repeal of the Berlin and Milan decrees, the decree of Trianon directed the final condemnation of all American vessels about which previous doubts had been entertained, and the irrevocable appropriation of the former sales to the purposes of the treasury, they having hitherto been deposited in the *caisse des dépôts et consignations*.

"Stranger still than this," says the Duc de Broglie, "this decree is based upon a report, in which it is stated that the decree was designed as a measure of retaliation for the Non-Intercourse law; while the same report also establishes, on the one hand that the Non-Intercourse law was no longer in existence, and on the other that it was never applied to French vessels."

It is sufficiently obvious, that as a retaliatory measure—and that is the ground on which it stands—the decree of Trianon cannot for an instant be supported, and therefore that all seizures made under it, and all appropriations directed by it, are unsustainable. If these were made under the Berlin and Milan decrees, there was no necessity for an additional edict—the very issuing of that edict necessarily shows that such was not the fact. The proceedings, therefore, between the 5th August, 1810, and the 1st November of the same year, can derive no additional efficacy from this decree. It has been attempted to establish a very nice distinction between confiscations where the seizures took place previously, and where subsequently to the 1st November, 1810. It is an idle one, but was much dwelt upon in the Chambers. The answer to it is, (and as we consider those seizures in some measure connected with the Trianon decree we will dispose of it here,) that it is the definitive sentence which changes the property, and carries into execution the law under which the proceedings commence; that on the repeal of the law the proceedings fall with it, unless a special reservation is made in their favour; and that, if the final condemnation could be referred by relation to the initiatory process, the repeal would not at all have effected what in the instance before us was its main object, the relief of those principally affected by it. The repeal of the edicts on the 1st of November took away the power of confiscation under them, because it wholly revoked the only authority by which that power had originally been given.

Be this as it may, however, the United States complied with the conditions proposed in the Duke of Cadore's letter. By the terms of the act of 1st May, 1810, the Non-Intercourse was re-established as against Great Britain on the 1st February, 1811, and was formally renewed by the act of Congress of 2d March of the same year, thus fulfilling the alternative of the Emperor in terms. Nevertheless, and we beg leave to repeat the fact, the decree of 28th April, 1811, (for so it was dated,) carrying into effect the stipulation for repeal, was not officially promulgated until the 10th May, 1812!—within one month of the declaration of

war against Great Britain, and when it had become obvious that such an event must take place. Meantime the seizures were continued to the end of 1810, through the whole of 1811, and up to April 1812—a period of twenty months after the day at which, by an official pledge, the decrees were to be annulled, and of seventeen months after the period fixed by a solemn ordinance of the Emperor for their revocation. These proceedings certainly were, to use the silken phrase of the American Executive, “highly objectionable.”*

The war between Great Britain and the United States put a period both to the inclination and the ability of Napoleon to despoil the commerce of the latter—to the inclination, because that war had been the object to which all his measures of coercion towards the United States may in a great measure be referred—to the ability, because our ports were blockaded and our commerce terminated—we had nothing left which was worth the plundering. Mr. Barlow was accordingly sent, in 1812, to seek reparation for the past. It is worth while to know at the beginning of these negotiations what the amount of the American claims was—their nature we have seen in the preceding pages.

We are not aware exactly of the sum demanded by Mr. Barlow, as we have seen no statement presented by that minister. His principal object was to establish the principles on which the demands of the United States rested, leaving their amount to be settled at a period when the data requisite to establish them could be completely collected. We have somewhere seen it stated, that the Duke of Vicenza, with whom he negotiated, (although his official report only allowed eighteen millions of francs,) had left estimates which brought them up to forty or fifty millions. The instructions of Mr. Van Buren to Mr. Rives, to which we have already adverted, and which, as no interest is computed, include nothing that was not due in 1812, state the amount at about sixty-six millions of francs, or twelve millions of dollars: this estimate was declared to be imperfect. We have heretofore stated the amount of the first four claims contained in it, to wit:

1. Claims prior to 30th September, 1800, not included in the settlement under the 4th and 5th articles of the treaty of 1800, - - - - -	\$1,488,833 99
2. Claims between 30th September, 1800, and 30th April, 1803, for debts within that period, and provided for by the 12th article of the treaty of 1803, - - - - -	134,786 06
Carried over,	\$1,623,620 05

* Message of President Madison to Congress, 3d November, 1812.

	Brought over,	\$1,623,620 05
3.	Claims between 30th September, 1800, and 30th April, 1803, not provided for by the 4th and 5th articles of the treaty of 1800, -	75,704 53
4.	Claims between 30th April, 1803, and the year 1805, - - - - -	1,065,081 98
	To these are now to be added,	
5. (1)	Claims subsequent to 1805, chiefly growing out of the decrees and orders of the French government, on which no final condemnation was passed, - - - - -	6,256,647 69
(2)	Claims of the same nature, but finally condemned by the Council of Prizes, Council of State, or by Imperial decisions and orders,	3,026,231 84
	Aggregate,	<hr/> \$12,047,286 09 <hr/>

The statements compiled in 1830 from official materials increase this amount to 14,500,000 dollars, or 77,333,333 francs, which, if we add interest from 1814 to 1830, at five per cent., being 52,208,925 francs, will give a total of one hundred and twenty-nine millions five hundred and forty-two thousand two hundred and fifty-eight francs.

With Mr. Barlow's mission, then, commenced the reclamations of the United States for a sum, which, leaving aside the entire interest, and all the claims prior to 1806, amounted, by an estimate confessedly founded on imperfect information, to nine millions of dollars. His instructions are not before us, but it is not improbable that the experience of our government concerning the character and policy of Napoleon, would induce them, particularly in the state in which our affairs then stood with England, to waive too rigid a persistency in the extreme amount of their demand. They had, moreover, much at heart the re-establishment of the Convention of 1800, or some similar arrangement, to effect which it might be thought expedient to sacrifice a portion, and that not a small one, of the estimated indemnity. Something too must be allowed for the disturbed state of Europe, and the small prospect that it would speedily be restored to repose. It does not however appear, that the reports of the Dukes of Bassano and Vicenza to the Emperor, from October 1812 to January 1814, establishing certain classes of claims and rejecting others, were the result of any previous arrangement with Mr. Barlow, much less that the latter had ever agreed upon the sum afterwards named. That minister followed the Emperor to the north, and died in the Grand Duchy of Warsaw, in the beginning of 1813. The negotiation was thereby concluded, nor was it renewed by the successor of Mr. Barlow after the retreat from Moscow. Mr. Crawford was indeed in-

structed to present the claims of this government, and perhaps his representations may have stimulated the Duke of Vicenza's later reports; but it does not appear that he was accredited sufficiently long before the Restoration, to effect more than a mere presentment of the views of the United States. The mere opinions of the Duke of Vicenza, therefore, though forcible enough as against France to the extent of eighteen millions of francs, cannot be held to conclude the United States, the latter not having been called upon to controvert or deny any errors or omissions in the premises on which they were formed. Indeed, it would not be very difficult to show at this time, that by the principle admitted in these very reports, the indemnities to be granted could not justly fall short of thirty millions of francs—one proof of which, and that a weighty one, is, that the opinion of the minority of the French commission of 1830 was in favour of that sum, and they admitted no class of claims excluded by the Duke of Vicenza.

It is of some importance to state what, in the very outset of our negotiation, and while the whole bearing of the transactions in which it originated was fresh in the minds of both parties, was admitted by the imperial government, with the defence of its own acts weighing upon it, in favour of certain portions of our claim. In the report above alluded to, the Duke of Vicenza admits three classes of claims as clearly the subject of indemnity, viz., that including vessels destroyed upon the ocean—that arising from the application of the Berlin and Milan decrees after their repeal—and that including seizures under those decrees before the period fixed for their application. If to these is added that which is admitted in the report of the committee of the Chambers of 1834, viz. the claim for seizures in the Spanish ports in 1809–10, we have a basis beyond which the American demand has frequently advanced, but behind which, so far as principle is concerned, no minister of this country has ever receded. It seems to us farther, that the canvass to which our claims have been subjected by the numerous ministers of France, has resulted in the conviction, however tardily and reluctantly expressed, that these were the narrowest limits within which the demand of the United States could in any manner be reduced. The difficulties which have interposed themselves to prevent a settlement upon these bases have been the reluctance with which, after the Restoration, and the Revolution of July, the new governments entered upon the subject at all; the desire on our part to approach more nearly to a liquidation of our whole demand than these principles would enable us to do; a similar desire on the part of France to narrow if possible the reparation to be granted still farther; and finally, on the mutual admission of the principles of payment, the perplexities which attended every attempt to fix the amount to be paid. The reader may see, eventually, with what justice we might seek other reasons in the

nature of the delays, which design as well as accident placed in our path.

The Bourbons re-commenced their reign on the 2d of April, 1814. By the treaties with the European powers of 1814 and 1815, France agreed to discharge obligations to the amount of one thousand millions of francs. The United States refused the invitation of those powers to enforce its claims by means of the bayonets, of which France now complains, but to which her rulers then looked with gratitude. Subsequent events have shown, that there was more magnanimity than wisdom in the refusal. On the 19th November, 1816, however, application was made by Mr. Gallatin to M. de Richelieu for a consideration of the American claims. This was the first communication with the government of the Restoration touching that subject, and took place more than two years and a half after the re-organization of the government. Still it was too soon for France; and her minister, while he admitted the principle of the claim, craved farther delay on account of the embarrassed state of the finances. We say nothing about the additional motives imposed upon France by this request to respect our future application—suffice it, that the delay was granted.

In 1818, the Minister for Foreign Affairs announced to the Chamber of Deputies that France was released from all her engagements to the *European* powers—tacitly admitting, by the insertion of this qualification, at the official request of the minister of the United States, that engagements still subsisted to the government of the latter country.

During the five years which succeed the request of M. de Richelieu, and in conformity with that request, with the one formal exception just alluded to, the American claims were suffered to sleep with merely incidental mention. The continued pressure upon the French treasury, and the disordered condition of the revenue consequent upon the tremendous struggles through which the nation had passed, seem sufficient to account for the silence of the American government—though one authority has not hesitated to assert, that the pending negotiation for the renewal of the navigation treaty was purposely and vexatiously procrastinated by the French ministry, in order to form an obstacle to the reclamations of our minister. There is no satisfactory evidence, however, on which to found this imputation. The existence of such an obstacle, though it might prevent the admission of the claims, could scarcely hinder their presentation. Accordingly, in 1822, when the pecuniary affairs of France had become restored, Mr. Gallatin did not hesitate to demand from the Vicomte de Montmorency, Minister of Foreign Affairs, a compliance with the implied pledge of his predecessor. This was in January. The debt was again formally acknowledged, both by that minister and his

colleague, the President of the Council. Then it was that, much to the astonishment of Mr. Gallatin, the French ministry for the first time absolutely refused to treat until the differences between France and the United States, in relation to the navigation acts, were settled—a question, by the way, which had no more relation to the claims of the United States, than it had to the partition of Poland. In June of the same year, however, the long pending navigation treaty was signed at Washington; and in August Mr. Gallatin brought it in his hand to M. de Villèle, and reminded him that the obstacle suggested by his colleague and himself in January, was fortunately removed. “The mind of the President of the Council, very fertile in expedients,” was not without one in this conjuncture. He expressed his perfect willingness to treat, but suggested that the negotiation must include the claims of French citizens upon the United States, and the right heretofore alluded to, which France had assumed under the eighth article of the Louisiana treaty. M. de Villèle persisting in his determination to join the American claim and the construction of the treaty in one negotiation, Mr. Gallatin stated to the Vicomte de Chateaubriand, who had succeeded that minister, his reasons why they ought not to be united, and that he should regard a perseverance in the course suggested by the latter, as tantamount to an indefinite postponement of the American claims.*

As this Louisiana question has, in every stage of our negotiations with France, and particularly in the debate in the Chamber of Deputies consequent upon the late treaty, been made a principal obstacle to the adjustment of our pretensions, it is proper to state precisely what it is, and to consider how far France was justifiable in making its consideration the *sine qua non* of the discussion of the American claims. The eighth article of the treaty of 1803 provides, that “in future and for ever, after the expiration of the twelve years,” (during which French vessels were to be placed on a footing with our own) “the ships of France shall be treated upon the footing of the most favoured nation, in the ports [of Louisiana] above mentioned.” The alleged violation of this article by the United States, and the only one, consists in the admission, since 1815, and by virtue of the treaty of the 3d July of that year, of British vessels into the ports of Louisiana free of tonnage duty, while the ships of France pay a duty of five francs per ton, being the same which is levied in France upon the tonnage of the United States. The construction of the eighth article contended for by France is, that whatever privilege, in the ports of Louisiana, has been, since the treaty of 1803, or may hereafter be extended by the United States to any foreign nation, immediately becomes

* Vide Speech of the Duc de Broglie in the Chamber of Deputies, 31st March, 1834. Mr. Van Buren's instructions to Mr. Rives, 20th July, 1829.

demandable by France as of right, without any reference whatever to the terms on which such privilege has been or may be conceded: that is to say, that although the abolition of a discriminating duty upon British vessels in the ports of Louisiana, (in common with the other ports of the United States,) was the result of a similar arrangement by Great Britain in behalf of American vessels in her ports, yet that France, by force of the treaty of 1803, may claim, so far as Louisiana is concerned, all the rights of Great Britain, without paying the consideration by which the latter obtained them. To this construction the United States uniformly refused their assent, inasmuch, as they said, that the privileges granted to Great Britain were the result of purchase, not of *favour*—that they were bought, not given—and that, while the United States were ready, on the same terms, to extend the same advantages, they could not place France on a footing of injurious superiority, by virtue of a clause which stipulated only for a proper and reasonable equality. They said, moreover, (and the argument is so good a one against the construction contended for by France, that she has been forced to misconstrue it into an apology for the alleged violation of the treaty,) that under the fundamental law of the United States, such an interpretation could never have been contemplated by the negotiators of the treaty, as it would give to France gratuitous admission into *all* the ports of the former country, any preference of the ports of one state over those of another being prohibited by the Constitution.

We do not intend here to argue the point of construction; much has been said, and certainly much may be said, on both sides. Mr. Jefferson himself doubted the constitutionality of the acquisition of Louisiana. It is not surprising, therefore, that it should be found to involve some unconstitutional concomitants. But we wish to call attention to the discussion, in reference to the object with which it was started by the French cabinet. It was evidently used as a convenient resource for procrastination. It was not, in any manner, connected with the American indemnity; but it was an attempt to blend a disputed demand upon the United States, with the adjustment of a right long before conceded to them. Its origin was subsequent, in point of time, to the presentment and acknowledgment of our claim. The demand was of so little value to France, that for two years it was not deemed worthy of notice; and, to this day, has not, in pecuniary amount, exceeded three thousand dollars a year. And finally, it was a question of interpretation, on which the parties might dispute for ever, particularly as France well knew that the privilege contended for would be, if conceded in its precise form, an absolute violation of the American Constitution.

Mr. Gallatin might therefore well protest against the interposition of this new and most unexpected obstacle, between the promises

and performance of the French ministry. The persevering determination of the latter, to unite the two subjects of negotiation—a determination apparently confirmed by the prospect of delay evident in such an arrangement—and the protestations and proposals of the new minister of the United States (Mr. Brown), occupied *seven* additional years of patient diplomacy. We have not space enough to travel over all the ground taken by the Count de Menou, the Vicomte de Chateaubriand, the Baron de Dumas, and the Count de la Ferronays. In 1825, the Baron de Dumas, for the first time, denied that France owed the United States any thing—another minister alleged, that the government of the Restoration was not responsible for the acts of the Empire—a third, that the American claims should have been urged for settlement when those of the European powers were adjusted (although Mr. Gallatin's effort to that very end was postponed at the express request of the French minister)—while a fourth declared, that the principle of the European treaties did not involve that on which the claims of the United States were founded, inasmuch, as by those treaties, provision was only made for responsibilities arising from contract, and not from wrong; though it was notorious, as has since been clearly shown by Mr. Rives, in his note to the Prince de Polignac, of 26th May, 1830—first, that if the European treaties *did* only provide for *debts*, as contradistinguished from *torts*, that distinction could not possibly conclude us, being neutrals, inasmuch as the European claims were between belligerents, and as such could not, of necessity, cover damages arising from a state of war; and secondly, that provision was actually made, by four distinct treaties, for *confiscations* within the territories of England, Spain, Holland, and Germany. Each minister, moreover, in succession, and without exception, laid the Louisiana question at the threshold of every attempt at negotiation; and each in turn justified the language of the Duc de Broglie, when he characterized their various subterfuges as “shameful attempts to get rid of these inconvenient American claims.” To us, the long line of ministerial succession, and the various resources of diplomatic evasion, brought but a repetition of disappointment; and the variety of pretexts for a uniformity of injustice, seems to have been considered but a necessary counterpart to the multiplied pretences for original uniformity of wrong.

So early as 1823, Mr. Adams had declared to the French minister, that the United States would never consent to make the indemnity claimed by them, in any manner dependant upon the consideration of the Louisiana question; though Mr. Brown was afterwards authorized, at Paris, and the American Secretary stood ready at Washington, to entertain the latter in a distinct negotiation. We presume the government was of opinion, that, as hitherto, each concession to France had but produced an additional

demand, so that there would be no end of yielding, unless some ground should be taken indicative of our own self-respect, and of our determination to assert as a right, what France would fasten on us as a favour or a compromise. After Mr. Adams became President, this policy was retained, and persisted in to the close of his administration. It was doubtless justified by the history of our previous relations with France, and by the new suggestions of denial and difficulty, which it had been the lot of Mr. Brown to encounter, in relation to the claims of his country. With the change of administration, however, it was deemed best, at all hazards, to take France at her word, and procure at least a consideration of the long deferred complaints of our citizens. Mr. Rives was accordingly, in 1829, accredited to the French government, and authorized, if on that ground only it could be effected, to enter upon a negotiation which should include all matters in controversy between the two nations.

It was Mr. Rives's fortune, as it had been that of most of his predecessors, to find at the head of affairs a minister who was utterly unacquainted with the nature and extent of the demands upon which he was to negotiate, and who certainly was not predisposed to look upon them with any degree of indulgence. It became necessary, therefore, for the American envoy once more to unfold the old catalogue of grievances, and to expatiate anew upon violated neutrality, injuries unrepaired, and spoliation unredressed :

" For us and for our tragedy,
Here stooping to your clemency,
We beg your hearing patiently."

The Prince de Polignac, at the very first interview, started the exploded objection (one certainly that placed him at a very safe distance from any committal) that the restored government did not consider itself responsible for the acts of Bonaparte. Belonging to a ministry, which even then could scarcely claim, with any confidence, from the Chambers, their sanction to its most ordinary acts, and which trembled for its own existence, the Prince was in no haste to stake his place upon the completion of an arrangement, which, however just, could not but be unpopular. He therefore advanced, in turn, all the stale evasions of his predecessors, pleaded his manifold engagements previous to the expected convocation of the Chambers, and expressed his apprehensions that the magnitude of the claims would be a serious obstacle to their allowance, while the admission of the principle on which they rested, would expose France to demands to an indefinite amount from other powers. Driven, at length, from one entrenchment after another, he was forced, on the 11th January, 1830, to concede that the destruction of vessels at sea was not distinguishable from

an act of piracy, and that the seizures in the Spanish ports were little better—explicitly admitting, as the Duke of Vicenza had done seventeen years before with regard to one of them, that both these classes presented fair claims for indemnity. A month later, another admission was obtained, in favour of the claim for supplies; and, to a certain extent, still another, in favour of all irregular condemnations under the Imperial decrees.

Up to the 19th March, 1830, Mr. Rives, with some reason, supposed that he was on the high road to a successful execution of his errand. But the policy of the French cabinet had not at all changed its complexion. Prince Polignac had conceded step by step, as he was vigorously pressed—and having yielded perforce, had taken time to devise the means of avoiding the effect of his concessions. The first that presented itself, was that faithful servant of his predecessors, the old Louisiana question. True, he could not make the same use of it that they had done, but he affected to consider the offer made by Mr. Rives, to include it in the general negotiation, as an admission of the correctness of the construction claimed by France. Against this *misapprehension* Mr. Rives very properly protested. It was reiterated, with an intimation, (which had been previously thrown out,) that, but for the supposed concession of this point, exception would have been taken to the message of President Jackson at the opening of Congress in 1829, with regard to the relations subsisting between the two countries. A satisfactory explanation was received from Mr. Rives of this last difficulty, but the Louisiana pretension seemed to grow into greater magnitude and importance. France now asserted, not only her construction for the future, but a restitution of the duties antecedently levied, and *indemnities for the advantages of which her commerce had been deprived!**

It is impossible to follow into detail the farther history of this portion of the negotiation. The report of a commission which had been directed by the ministry to examine the claims was unfavourable to our pretensions, inasmuch as it recommended an adherence to the Louisiana question, and a proposition to yield it only on the surrender of ALL claims on the part of the United States previous to the Restoration.

"There is every reason to believe," says Mr. Jay, in his report to the Chambers in 1834, "that the commission (of 1830) in proposing to unite two questions which were repeatedly declared by the American negotiation to be independent of each other, was only endeavouring to gain time for the French government, or to place it in a more favourable situation for terminating the negotiation."

The Algerine expedition furnished another pretext for delay, in the occupation it gave to the department of Prince Polignac; and

* Note of the Prince de Polignac, 23d March, 1830. Mr. Rives to Mr. Van Buren, Despatch 6th April, 1830.

the broad ground was at length resumed, that the ministry had never admitted the right of America to recover at all, and that whatever France might see fit to pay would be wholly *ex gratia*.

We are aware that Mr. Rives, after his proposition to the ministry, offering a reduction of the duty on wines as an equivalent for the concession of the Louisiana question, believed that he had made a great advance in the purpose of his mission. He certainly received a promise that the *projet* of a treaty, founded upon that offer, should be furnished to him; but it is scarcely necessary now to say, that no serious intention was entertained of taking such a step. Indeed, the confidence with which, on the 30th July, 1830, Mr. Rives speaks of the probability that, but for the prostration of the government of Charles X., such a *projet* would have been completed, is in strong contrast with his surprise at "the inflexible adherence to the Louisiana pretension," to which he alludes in his despatch of the 17th of the same month, detailing the particulars of his last interview with Prince Polignac. We do not believe that the government of the Restoration ever intended to pay one cent to the United States, and we found our incredulity upon the fact, that for the space of sixteen years no progress was made and no footing gained with that government, without the intervention of some new and startling obstacle to render it nugatory and ineffectual. The road to the cabinet was icy—our negotiators advanced one step and receded two. We have endeavoured to trace the retrograde progress, and so far as our limits have permitted, have placed it in the view of our readers.

The Bourbons and their counsellors never thoroughly investigated our claims, and had they done so they would have felt no sympathy for an adventurous and free republic, the force of whose example had driven their dynasty from the throne. They would no doubt have thought it but retributive justice, that the upstart Commonwealth had been plundered by the bastard Emperor. France, moreover, had little to lose by neglecting our claims. She could but pay the money at last, and so long as she could amuse her creditors with promises or thwart them with obstacles, she suffered nothing by the delay. Apprehension was out of the question. For years the affair scarcely put on a decided aspect. Nothing like a serious appeal was contemplated. By 1820, the resources of France, thanks to the vigorous wisdom of the minister Decazes, and her own innate and wonderful capabilities, were equivalent to any contest, much more to one with an enemy, who, at the distance of three thousand miles might strike with a vigorous arm, but whose proper interests were at that time of a pacific tendency. In addition to reasons drawn from the character and policy of the Restoration, we have at a period subsequent to the deposition of Charles X., the testimony of the Prince de Polignac himself, the very minister upon whose promises Mr.

Rives relied with so much confidence, to the effect that, as the result of his own particular and individual investigation, nothing was due to the people of the United States. In the debate of 1834, M. Mauguin (a curious oracle by the way to announce the responses of an imprisoned high priest of legitimacy) made the following statement to the Chamber:

"It has been said that the Restoration was upon the point of negotiation when it was overthrown. This is an error; and I shall relate a particular fact in regard to it, which will have influence, and which moreover does honour to a man now in misfortune. [Hear! hear!]

"The Chamber appointed Messrs. Madier de Montjau, Berenger, and myself, commissioners for the purpose of conducting the trial of the late ministers of Charles X., and we went to Vincennes in order to proceed with the interrogatories. It is needless to say to you, that these interrogatories were conducted as they ought to be in every criminal case. We gave M. de Polignac, when we were interrogating him, some time for rest; and during that interval we entered into conversation. We were speaking (I do not know how it happened) upon the subject of the American claims: I appeal to the recollection of my colleagues—and the expression of M. de Polignac does him honour. When these claims were mentioned, he cried out, under the impulse of national feeling, 'Take care, we owe them nothing; I have studied this question; we owe them nothing!' This exclamation was uttered with so much energy, that it showed a patriotic feeling to which I am always happy to do justice. I told M. de Polignac so at the time."

With this piece of testimony (and that there could be no collusion between Mr. Mauguin and the Prince de Polignac, all who know any thing of their political history will readily comprehend,) we take our leave of the tergiversation of the restored government, as we did in their turn of the bootless admissions of the imperial administration.

After the Revolution of July our claim, like "the long-remembered beggar," the survivor of two dynasties, became the unwelcome guest of Louis Philippe. Empires and kingdoms had literally fallen and risen around the patient and venerable mendicant, yet still it held its place, the record and the relic of chronology. The negotiations which followed the accession of the new government are too recent, and too much in the remembrance of our readers, to be minutely detailed. We were finally heard not only with civility but with attention, the causes of our complaint investigated, and a determination at length evinced to examine for some other end than to cavil at and deny them. In justice to the French ministry we must say, that considering the amount of the claim, its ancient origin, the history of its rejection for so many years, and the severe scrutiny which its admission would be likely to produce, they did as much and did it as promptly as expediency and circumstances would permit. Mr. Rives also accomplished all for the cause of his fellow-citizens that could have been anticipated in the exigencies of the case. He made a compromise, it is true, at a liberal discount from the face of the American demand, but he terminated thereby (as he had a right to believe) the vexation of protracted pursuit, and the bitterness of repeated disappointment.

He settled a question which for a long series of years had exhausted the patience and endangered the intercourse of two nations whose annual interchange of benefit is worth thrice the sum secured by the treaty, and to which, that question being disposed of, there can scarcely be a limit. One promised indemnity had disappeared at Waterloo; another had vanished with legitimacy from Cherbourg:

—"Fugit ipse Latinus,
Pulsatos referens infecto fœdere divos"—

nor was it without the bounds of reasonable speculation to presume that a third, if not rendered secure by an early pledge of the national faith, might perish in some new war of the barricades. All things considered, therefore, Mr. Rives's treaty was both financially and politically a reasonable and advantageous measure, and gave to the United States, if not all they had a right to demand, at least as much as their past experience could lead them to expect. The following is a summary of its provisions:

- Art. 1. France agrees to pay to the United States twenty-five millions of francs.
2. Fixes the time for the payment of this sum in six equal annual instalments, and the rate of interest on arrears.
3. The United States agree to pay France one million five hundred thousand francs.
4. Prescribes the mode of paying the last mentioned sum.
5. Secures to the citizens of the respective countries the right of prosecuting claims not included in the treaty.
6. Provides for the reciprocal communication of the necessary documents for the substantiation of claims under the treaty.
7. Stipulates on the part of the United States for the reduction of the duties on French wines; and on the part of France for an abandonment of the Louisiana pretension, and an equalization of the duties on *long-staple* and *short-staple* cottons.
8. Prescribes the period of eight months for the exchange of ratifications.

This treaty was signed on the 4th of July, 1831, and ratified at Washington on the 2d of February, 1832. By the terms of the second article, the first instalment under it became due on the 2d of February, 1833. In regard to the manner in which the treaty was obtained, we shall content ourselves with one or two very general remarks. The first is, that it was signed upon a very full personal investigation of the whole subject to which it refers by Count Molé and the Duc de Broglie, successively Ministers of Foreign Affairs, and by M. Lafitte, President of the Council of Ministers, aided by a commission consisting of Vicomte Lainé and MM. Benjamin Delessert, Bellet, G. W. Lafayette, Pichon, and

D'Audiffret, four of them members of one or the other branch of the French legislature, and a fifth a diplomatist of reputation. The second observation is, (and we may have occasion to recur to it,) that the treaty was considered on both sides in the light of a compromise, in which each party yielded a portion of its pretensions to the peculiar exigencies of the position of the other. Nothing, therefore, can have been more preposterous and unfair than the conduct of the Chamber of 1834, in rejecting the convention, because it secured something to America and conceded something from France, when the very principle upon which it was founded was, that all the efforts of the parties to arrange their differences upon the strict ground of demonstrated right had, for twenty years, proved abortive. But before we examine the conduct of the Chambers, we have a word to say upon that of the ministers subsequent to the signing of the treaty.

We are not about to impute bad faith to the French Executive, but there certainly was exhibited on the part of the King's ministers, for two years after the 4th of July, 1831, a supineness, a *crassa negligentia*, which reminds us strongly of the days of Charles X. In relation to the sixth article of the treaty, which depended for its full execution upon the ministers alone, their conduct was inconsistent with their professed desire to forward the interests of the American claimants. The most trivial excuses were suffered to hinder the *communication* of the necessary documents from the French archives, and a lexicographical construction of the term was asserted, which, if admitted, would have rendered the whole provision nugatory, and prevented any distribution of the fund had it been received. On the signing of the treaty, (the ratification of which by our government was not for an instant to be doubted,) they had before them full eighteen months for the *ménagemens*, of which so much is said in their correspondence. They had a complete session and one or two months of another, to take the necessary means to secure a proper view of the subject among the deputies, and to introduce, commit, and mature their bill. Had an earnest determination on the part of the Chamber to participate in the treaty power been originally anticipated by the ministry, it seems incredible to us that, previous to the arrival of the first day of payment, they should not have introduced the measure, and thrown the responsibility of failure to comply with their stipulations off their shoulders. But it is fair to presume that no branch of the French administration viewed the subject in a sufficiently serious light. It appears to have been believed, that the United States, having patiently waited twenty years for their treaty, would as patiently wait twenty more for its execution; nor was it until the American draft reached Paris, some time in March, 1833, that, expressing "some regret and even astonishment," the ministry saw fit at length to address

themselves to the Chamber. On the 6th of April, 1833, two months after the first instalment had become due, a bill was introduced by the Minister of Finance to provide for its payment. Nothing farther was done at this session. At the next, on the 11th of June, the subject made so much progress as to be referred to a committee, who on the 18th of June reported that—they could not report. At the session of 1833–4, the ministers seem for the first time to have gone to work in good earnest. Henceforth, we have the satisfaction to say, their exertions were as much distinguished by fidelity as talent, and the speeches of the defenders of the bill, particularly those of the Duc de Broglie, and MM. Jay, Dumas, and Duchatel, could leave no doubt of their sincerity nor of their power. They were earnest, lucid, and demonstrative. The bill which was introduced on the 13th January, 1834, was referred to a committee of nine, who, on the 10th March, reported unanimously as to the principles of the treaty, and with one exception only (M. Bignon) in favour of the amount. The report was made the order of the day for the 28th of March, and the bill was lost, after much discussion, on the 1st of April, by a majority of eight!

It is our intention briefly to consider two questions arising out of this proceeding of the Chamber. These are, first, the right of that body to reject the treaty, and second, the propriety of that rejection. The proper understanding of the former question may be important in the regulation of our future relations with France—a due consideration of both is essential to a proper comprehension of our present position in regard to her.

We wish, however, to premise, for the better understanding of what we may hereafter say, that we use the word *right* in this connexion as contradistinguished from *power*, and as implying a capacity in the Chamber, in the ordinary discharge of duty, and under its ordinary and usual responsibilities, to exercise discretionary action. In other words we mean to inquire, whether the necessity which brings the fiscal provisions of a treaty before a branch of the French legislature, consequently gives to that branch, morally and *ex officio*, the prerogative of pronouncing upon its validity.

One thing we take to be clear, and that is, that we, as co-contracting parties with France, cannot be bound by any *ex post facto* interpretation or limitation of our contract; and that, in the absence of a common umpire, we have an equal right with France to say what is and what is not, a violation of or a compliance with that contract, and to pronounce what were and what were not its tacit and implied conditions. We shall not, therefore, be deterred from the examination we propose, by the suggestion that France is the best interpreter of her own charter and the powers of her own legislature, because in the first place it is not true in fact; and in the second, if it were, the inference attempted to be

derived from it would be good for nothing, in a case where the face of the instrument, and all previous practice under it, are against her. In treating with France, we were bound to know her domestic law so far only as it was declared and intelligible—we were not bound to seek for remote and possible constructions of power which might be invoked to defeat our rights. Such a course would have involved dishonourable suspicions. In the negotiations respecting the Louisiana tonnage duty, the ministers of France repeatedly and strongly insisted that they would listen to no argument from our own constitutional provisions against their claim, and that the domestic law could not for an instant be permitted to weigh against an international contract. There too the argument was merely from probability; in the case of the treaty of 1831, it is a positive obtrusion of the French constitution as a sufficient bar to our demand. We are aware that our negotiators were repeatedly told that a treaty of indemnity would be unpopular, and that the reluctance of Prince Polignac and others *to come before the Chamber* with such a treaty, was one great cause of the evasions and delays of that minister. But it should be recollected, that this was a reason for *not making* a treaty, not an excuse for *not executing* one. If the cabinet of Louis Philippe recognised the existence of a power in the Chambers to review and cancel the solemn acts of the King, they had no right to stipulate for an absolute performance of the contract at a given day; nor should they have suffered the United States in faith of that stipulation to execute as a treaty, an instrument which France regarded only as the evidence of an imperfect and inchoate contract. If they did not recognise such a power, it is pretty obvious that none such existed, nor are we to suffer by its subsequent establishment.

By the charter accepted by Louis Philippe in 1830, and which now forms the French constitution, the treaty power is distinctly and in terms lodged in the King. It is impossible to mistake the language of the thirteenth article of that instrument. “Le Roi est le chef suprême de l’état; il commande les forces de terre et de mer, déclare la guerre, fait les traités de paix, d’alliance et de commerce, nomme à tous les emplois,” &c. &c. “The King is the head of the state; he commands the forces of the land and sea, declares war, *forms treaties of peace, of alliance, and of commerce*, appoints to all offices,” &c. &c. On the face of this article, therefore, the power of the King over the subject matter is distinct and unlimited. Nor is it in any manner curtailed by the powers of the Chamber, except inferentially and by construction. We do not therefore at all understand the argument or the distinction of M. Auguis, when, in the debates of 1834, he said that no one was less disposed than he to dispute with the crown the right of making treaties, and at the same time undertook to

restrict that right to "diplomatic treaties—treaties essentially political." What possible authority is there for such a limitation? It excludes commercial treaties altogether, contrary to the express words of the thirteenth article. Besides, it is scarcely possible to imagine a treaty purely political save the case of intermarriage. The right of transport, navigation, and temporary occupation, are most frequently connected with commercial regulations. This last right especially might involve matters more serious (excluding any reference to commercial privileges) than the heaviest payments from the treasury. Yet must M. Auguis concede it, when purely political, to the King. It is an absurdity to suppose that the charter could intend to give the King the right to station a Spanish army at Bayonne, or cause an English fleet to invest Havre, and yet deny him the ability to regulate the commercial intercourse between France and the neighbouring states. Our treaty was, as has been already said elsewhere, essentially commercial. It provided indemnity for past commercial injuries, and stipulated for future commercial privileges. The owners of the claims are American merchants—the consideration given for the settlement was purely a mercantile consideration—the advantages to result from the arrangement are advantages to trade, seen, felt, and understood, by means of custom house documents and schedules.

We are perfectly aware that by the fifteenth article of the Charter, "all taxes ought first to be voted by the Chamber of Deputies," and that by the forty-eighth, "no tax can be imposed or enforced without the consent of *both* Chambers, and the sanction of the King." We are willing to drop the distinction between a tax and an appropriation, because in both cases application must be made to the Chamber, and it matters little by what name a vote of money is called, though we have heard of *appropriations* of money nearer home, which had little connexion with the exercise of the *taxing* power, except a subsequent and illegitimate connexion. It is obvious to every sense, that, under these two articles, the Chamber may violate the contracts of the King, inasmuch as they hold in their hand the key of the national treasury, just as any other agent of a common principal, holding the funds of that principal, may dishonour the drafts of his fellow agent, whose authority is nevertheless perfect for the making of those drafts. The Chamber might, so far as physical power is concerned, refuse to vote the civil list, although by the directions of the Charter its amount was fixed for the whole reign, at the first session after the King came to the throne. It is quite apparent, however, that this would be revolution. The government could not go on. We need not argue, therefore, that mere physical power, even in the exercise of domestic sovereignty, and in the absence of responsibility, is a very different thing from moral right—still wider are they apart when the interests of a third party are concerned. The holder of the draft (to

pursue our former illustration) resorts to his remedy.—We make another admission. The Chamber is not only at liberty, but is bound to refuse appropriations to carry into effect the obligations of the King, when in its wisdom it deems those obligations so ruinously onerous and degrading, that the risk of war is preferable to the preservation of the national faith; just as the agent again, who suspects fraud or forgery, may stake his principal's credit on the issue of a trial. The first duty of communities, as well as of individuals, is self-preservation. The principle is an obvious one. The general authority of the King, under the charter, can never be construed into a commission to sacrifice or impair the national safety. It is subject always to the implied condition that the commonwealth shall be preserved. Thus a treaty to alienate the whole resources of the nation (could such an absurdity be conceived) would justify resistance in the Chamber, not because it is the Chamber, or in the exercise of its ordinary functions, but on the principle which, were the Chamber also delinquent, would justify resistance in the courts of justice, or by an individual—that ulterior power which, less clumsily than by means of a special dictator, “takes care that the republic receives no detriment.”

This, then, is the limit of our admissions, and it does appear to us that he who goes farther, must plunge into an absurdity. For, by an incidental and constructive authority, he erects a second branch of the government into a tribunal of review, over those acts which, by a definite, positive, and fundamental provision, have been confided to a distinct department. He applies this power, thus incidentally gained, not to a whole class of subjects—not to treaties of peace, nor of alliance, nor even yet of commerce where no money is to be voted, although territory may be alienated to a great extent, for then the prerogative of taxing is not called into exercise, and the King is supreme. Yet, in consequence of an application for a thousand francs to pay for burning a hulk, (treaties being indivisible,) jurisdiction may, according to his doctrine, be acquired over questions of great extent and extreme delicacy. What is there in the payment of a debt, or even the granting of a subsidy,—(who will not recur to the days of Pitt?)—which ought from its nature to be the object of such scrupulous jealousy? Let it be compared with such treaties of alliance as we might name—that for instance, which sent a Bourbon across the Pyrenees, and produced the war of the Succession. The habits and functions of a legislative body, moreover, are not adapted to the delicate discussions of diplomacy. Treaties are generally bargains—compromises, involving a thousand remote considerations of fear and interest. What shall we say of the necessity which, in this very case, compelled the Duc de Broglie to tell the Chamber that the refusal of the required appropriation would involve the necessity of a much larger one to support an army on the Rhone and the Garonne?

Arguments from anticipated insurrection, ought to be cautiously whispered, not thundered from the tribune. Considerations of weakness, remote equivalents, and hopes of advantage, are for the cabinet, not the hall of debate.

But the King may make a bad treaty—true, and his ministers, by the terms of the Charter, are responsible. And the Chambers may reject a good one, provided the right contended for is conceded to them—and would do so frequently in times of high party excitement, throwing the foreign relations of the country into dependance upon its domestic politics. Power must be lodged somewhere—something must be confided to men, upon the strength of moral as well as of material checks. What government can treat with France under her view of her Charter?—if, after going to the head of the nation, and after a negotiation of twenty years, obtaining a limited redress for which a consideration was promised and given, it may, as has been the case with us, by a forced and strained construction, for the first time applied, be deprived of rights solemnly guarantied and sanctioned in compliance with ancient and universal precedent? This is not the case of the enactment of a law, when the law-making power is on one side, and the constituency on the other. We are not represented before, or accredited to, the French legislature—nor can we visit the four hundred deputies of France *seriatim*, to read them lectures on the connexion between injury and redress. The vibratory motion of the nation, between one and the other department of the French government, would be but ill accelerated by the deprecativè pilgrimages of an American minister.

We can easily conceive why the counsellors of Louis Philippe shrank from a claim of power under the thirteenth article of the Charter. A construction of it too favourable to his own prerogative (a construction, by the way, which even Dupin and Casimir Périer considered within the letter of the constitution) cost Charles X. his crown. “*Fas est et ab hoste*,” &c. But this is no reason why we should submit to a denial of right. Let the power of the Chamber be defined, for the benefit of foreign nations, as is that of our own Senate, before they are held to be bound by it. At present the separate prerogatives of the different departments of the French government, admitting the Chamber to possess the co-ordinate power over treaties which is claimed, are very ill-distinguished. That of the King is merely initiatory, unless we hold it to be conclusive—and if not conclusive, what is the situation of the co-contracting party?—absolutely and finally bound, while France waits for the action of a popular assembly obedient to no terms of time or circumstance. Till the Chambers assent, the treaty is nugatory as a contract—it binds nobody: not the King, for he has not the power—not the Chamber, for it has not signified the will to execute it. Yet no one has boldly denied that some sort

of obligation rests upon France, in consequence of a solemn agreement by her King. Else why is his authority invoked? "If so, what is the obligation? Perfect or imperfect? If perfect, the question is brought to a conclusion. If imperfect, how large a part of the national faith is pawned? Is half the honour of the country put at risk, and that half too cheap to be redeemed? How long has this hair-splitting subdivision of good faith been discovered, and why has it escaped the researches of writers on the laws of nations?"* We could hardly suppose that we wanted any further assurance of complete security, when we held in our hand a treaty in the name of the "French government," (sometimes "the Government of his Majesty,") stipulating for the execution of its provisions *per verba in presenti*, and providing in one article for the alteration of the American duties, by which French wines should be admitted here, not from and after the vote of the Chamber, but "from and after the ratification of the present convention." Those wines were so admitted—we were obliged so to admit them as a condition precedent, and on pain of forfeiture, and thus presented ourselves in the singular predicament of a nation not only obliged to perform, but actually performing a contract, at the very moment when the other party had entirely released herself from all obligation under it. We are acquainted with the passage of Mr. Blount's resolution in the House of Representatives in 1796, but we are also acquainted with the fact that the very party which passed that absurd resolution, found themselves encompassed by so many difficulties in its application, that they durst not carry it into effect, even against a most unpopular treaty, and under circumstances of high excitement. The appropriations for the British treaty were carried in spite of it, nor has the pretension been revived in the United States—the opposition to the Louisiana conventions having taken much higher and broader ground. Mr. Livingston himself, than whom no man was more ardent on behalf of the prerogative of the House, has lived to preach a very opposite doctrine. As an ordinary exercise of legislative authority, the power claimed is indeed impracticable—impossible. It would stop the wheels of government, and put an end to the distinction and division of political function. It is a power beyond, above, without the law, to be exercised in extreme cases, and only on cogent and irresistible motive. Whether the treaty of 1832 ever presented such a case to the French Chamber, is the second question which we proposed to examine, and on which we shall say something, after closing our examination of the first by the following precise and logical analysis of the pretension of the Chambers, in Mr. Binney's speech in the House of Representatives, on the 2d March, 1835.

* Speech of Fisher Ames on the British Treaty.

"I hold the treaty of 1831 to be a compact of unquestionable validity, constitutionally made, and perfected on both sides, requiring nothing further from any branch of the French government to complete its obligatory force, and more than usually sacred, from the nature of the wrongs it was intended to indemnify; and while I perceive no necessity at this time for a resolution by the House, that the rights secured to our citizens by the treaty, ought in no event to be sacrificed, abandoned, or impaired, yet I am ready to say for myself, that I do not now conceive of any possible event, in which the least of these rights ought to be sacrificed, abandoned, or impaired, by any act or omission on the part of the United States. The treaty has, on the part of France, been made by the authority of that branch of the government to which the constitution of the French nation has delegated the absolute and perfect right of making treaties. The whole nation have made it by the King, to whom is confided, without restriction, qualification, or appeal, the power to declare war, and to make treaties of peace, alliance and commerce, the generic names under which every species of compact with foreign nations was intended to be included, and which, beyond doubt, literally includes the treaty of 1831, a treaty of commerce, and of indemnity for interrupted and outraged commerce. The authority of the Chambers over the purse of the nation, and their consequent power to obstruct the execution of the treaty by refusing an appropriation for the stipulated payments, affects not in the remotest degree the obligation of the treaty upon the whole nation, and upon every branch of its government. The Chambers hold the same power over appropriations for the payment of debts contracted by express authority of a law made by themselves as a constituent part of the legislature. They have the undoubted power to refuse an appropriation in execution of a previous law; but the law is not the less a law, nor the treaty the less a treaty, nor either of them in any degree less obligatory upon the honour, faith, and conscience of the nation, by reason of the existence of such a power.—The power of the French Chambers does not concern a foreign nation. They are not part of the treaty-making power. The constitution of France has not reposed that trust in them but in another. Their authority is for internal administration. The United States have no relations to that body, send no minister to it, cannot negotiate with it, cannot recognise it as entitled to take any part, original or final, in their negotiations with France. In the King is centered the full and entire power of the nation, in its external relations with foreign powers. With him the power begins and ends; and the treaty which is concluded by his authority, whether it be a treaty of peace or of commerce, is a treaty of the nation, its supreme law, and binds every department of the government as effectually as if it were expressly ratified by every officer and subject of France. How and where the nation are to obtain the money which is to satisfy the treaty, is a question of internal law, in the decision of which neither can the voice of the United States be heard, nor her rights be prejudiced. The Chambers may refuse the appropriation; but if they shall refuse it, and if the nation shall sustain them in the refusal, the nation will violate that faith which it authorized the King to plight. There is no difference in this respect between the constitutions of the two countries. A treaty made by the President, with the advice and consent of the Senate, is the supreme law of the land. It binds the nation, and the faith of the nation. Congress have power to refuse an appropriation to pay an indemnity stipulated by treaty; but if Congress refuse it, and if the nation sustain them in the refusal, the nation is untrue to the constitution, and stands before the world convicted of violated faith. That the power may be fitly used in an extreme emergency, is saying no more than that the violation of public faith may possibly be a smaller evil, than the execution of a ruinous treaty. But be it smaller or greater, the public faith is violated, unless a treaty constitutionally made is executed in all its parts, and by all parts of the nation. These, Sir, are my sentiments in regard to the obligations of the treaty of 1831, and no vote I shall ever give will contradict them."

What then (to quit finally the *power* of the Chambers,) was the *propriety* of the measure which terminated the discussion of 1834 in the elective branch of the French legislature? It will be recollected that Mr. Rives presented himself to the government of France with claims to the amount of seventy-six millions of francs,

exclusive of interest. That he never revoked the assertion of the *right* to recover this amount, and that France never admitted it. The parties, therefore, were at arms' length. Every government conceded that something was due, yet seemed determined to pay nothing. At last the ground of calculation and of figures (as a basis of settlement) was abandoned, and it was agreed that, leaving detail out of the question, an attempt at arrangement should be made by mutual offers of compromise. The sum of twenty-five millions in full of our claims, was the result of an approximation, which began by an offer on the part of the United States to receive forty millions, and on that of France to pay fifteen. The other questions were arranged on the same principles. This one fact disposes at once of all the arguments of the opposition, deduced from the lowering of the demands of the United States, and the excess stipulated by France over the twelve millions reported by the committee of 1831. It disposes of the *calculations* of the opposition, because those same calculations had been made before, and met by estimates from the other side. The treaty was what it was, precisely because those calculations and estimates neutralized each other, and so proved abortive. When it was asserted, therefore, in the Chamber, that twelve millions only were due, the assertion wanted proof—it was just as easy, on the same old grounds that had been trodden so often, for the other side to say that seventy millions were due. This game of see-saw had been played without effect since 1812. When it was farther stated that the Americans *would have taken* twelve millions, the refutation of the assertion was in the minister's pocket—twice the sum had been energetically refused. If this course of proceeding was allowable, the treaty was no better than a trap—and the Chamber, acting independently of the minister, could take advantage of our concessions, while it repudiated those on which they were founded.

But if we must come to calculations, let us see which party has gained most. Taking the official estimate of Caulaincourt in 1814, we have the sum of eighteen millions in our favour, which, without any great financial ability, might be shown to have been a better estimate for us then, than twenty-five millions, clogged with the conditions of the treaty of 1831. Let it be remembered, moreover, that the unofficial estimate of the Imperial minister carried the amount much higher. Every succeeding cabinet with which negotiations were opened, admitted all the classes of claims included in the report of the Duke of Vicenza—some added another class, to wit, the Bayonne confiscations. Consequently, with the new proofs constantly applied to the subject by our ministers, it can hardly be supposed that the amount could be diminished. The members of the commission of 1831 (we adhere purposely to French estimates) were divided in their report—the minority

fixing the claim at thirty millions, the majority at twelve millions—the mean between which is twenty-one millions. In this instance, the majority estimated at twelve millions the identical three classes of claims which were fixed by Napoleon's minister, seventeen years before, at eighteen millions! Finally, the committee of the Chamber, in 1834, exhibited a tabular statement of five classes of cases, amounting to about twenty-four millions, even on an average estimate, in which the condemned American vessels were rated (*proh pudor!*) at 13000 francs each!—about the value of their spars and sails. We do not dwell upon the absurdity of the opinion, in an assembly of reasonable men, that the lowest possible *ex parte* estimate should be the basis of a settlement between two nations, after twenty years of negotiation, though such was the strange notion of M. Bignon, the coryphæus of the opposition. If figures are to come at all into the question, our estimates, it is obvious, must be placed against theirs, and then the middle point is the point of settlement, if any settlement ensues. We shall see, anon, which party gains most upon the other in the collateral arrangements of the treaty, for they will be found materially to affect the real amount of the indemnity. The only one of these supposed to be favourable to the United States, is the stipulation of France to equalize her duties on American cottons.

"The question relative to cotton," says the Duc de Broglie, "is plain. The difference of duty between *long staple* and *short staple* cottons, was created by the law of 1816, and did not exist in 1814; at that time the difference of duty corresponded to the difference of value between the two species of cottons, and it was that which justified it. Since that time, the art of spinning has been so much improved, that the difference in value has disappeared; hence, a difference in duty came to be regarded as an absurdity, which ought to be abolished. Memorials were presented on this subject by French merchants. In a treaty which the French government made with Brazil in 1826, an equality of duties was stipulated on *long* and *short staple* cottons, and in a law presented in 1829, it was proposed, on the part of the customs, to equalize the duties upon the two species of cottons. When, therefore, at the moment of signing the treaty of 1831, the American negotiation requested the equalization of duties, which the French government had itself proposed, there was no possible reason for refusing."

This, then, is the consideration, on the side of France, for which the United States agreed to yield a claim, variously estimated, by the French functionaries, from twelve to thirty millions of francs, and by ours, from twenty-five to seventy-five millions (putting interest out of the question); to wit, the payment of twenty-five millions—a sum below her highest estimate, and only equal to our lowest—and the alteration of her tariff upon cottons, in accordance with the suggestion of her own custom-house, provided that we, in return, should alter our tariff upon wines, and pay certain claims to her citizens—France, moreover, agreeing to concede her construction of an article in a former treaty. Now let us apply the calculation on our side. And first, the claims of French citizens on the United States. The only examination to which those claims

were subjected, (that of the French commission of 1830-31,) reduced them to one million and fifty thousand francs—the United States, by the treaty of 1831, agree to annul them by a payment of one million *five hundred thousand*. We scarcely need dwell on the arithmetical balance here. Next, as to the duty on wines. By the treaty under consideration, and taking the imports of 1832 as a basis, it is demonstrable that France gains by the stipulated reductions of the seventh article, an advantage of eight hundred thousand francs per annum for ten years, for which she relinquishes her claim to the remission of the discriminating duty in the ports of Louisiana, amounting, by the custom-house returns, to *fourteen thousand francs* per annum; that is to say, she gains, in ten years, by the seventh article, eight millions of francs, and admits our right to receive a sum, which would not amount to eight millions of francs in less than five hundred and seventy years. Thus, by virtue of a treaty, giving us twenty-five millions for a debt of seventy-five, at the end of twenty years France receives a sum, which, if deducted from what she pays, will leave us little over fifteen millions and a half. The whole matter may be recapitulated thus:

	Francs.	
Claim of the United States, prior to 1806, -	5,055,445	
Claim of the United States, since 1806, - -	71,095,961	
Interest on the second item, 5 per cent., from 1814, -	52,208,925	
	<hr/>	Francs. 128,360,331
Amount accepted by treaty of 1831, - -	25,000,000	
Principal of 14,000 francs per annum, at 5 per cent., in the ports of Louisiana, -	280,000	
	<hr/>	25,280,000
Deduct claim of French citi- zens, now first admitted, -	1,500,000	
Ten years' remission of duty on wines, - -	8,000,000	
	<hr/>	9,500,000
	<hr/>	15,780,000
Balance against France, -	Francs, 112,580,000	

Against any objections to this statement, on account of the fifty-two millions of interest, or the defect in the calculation, by reason of the interest on the eight millions which France gradually gains by the altered duty on wines—we answer, that as to the

first, we are willing to forego it altogether, which will still leave a balance against France of more than sixty millions; and in regard to the second, we will set it against the abolition of the duty on French silks, which, though it does not appear on the face of the treaty, as a consideration for its execution by France, we have the authority of M. Duchatel for saying, actually took place, in consequence of the desire of the United States to finish the negotiation. The imports of silks, in 1831, amounted to about seven millions of dollars. At five per cent., the duties to be remitted by the United States, would amount to three hundred and fifty thousand dollars per annum—a sum sufficient, in one year, to rectify our statement, and, even allowing the beneficial operation of the equalization of the cotton duty in France to be entirely in our favour, to pay, besides, many times over, the fifty thousand francs a year which the French customs lose by that stipulation. Such is the mode of computing the advantages of the treaty, which we place against that adopted by the French Chamber of Deputies.

In regard to the details of calculation under the treaty itself, we shall content ourselves with the quotation of a passage from the speech of the Duc de Broglie, when, after laying before the Chamber, in figures, the demonstration of his position, he concludes by saying:

“ That if the American minister had been possessed of the principles settled by the French government—not by the government of July only, but by every government which has ruled in France for fifteen years—settled by the commission of 1830 itself—if he had abandoned all the claims which those principles excluded; if he had adopted entirely the system of the minister with whom he treated, and only required the liquidation to be made on the basis settled by the government itself, we should have arrived at a result of not less than *forty millions*.”

Precisely the sum demanded in Mr. Rives's first offer of compromise. We should be at a loss to comprehend the reproaches cast upon the ministry in the Chamber of Deputies, were we not too well aware, that even success forms no answer to the malignity of party opposition.

Under all these strong circumstances, demonstrative not only of our right to receive, but of the interest of the French legislature to grant the indemnity stipulated in the treaty, our readers will doubtless be disposed to inquire into that strength of argument on the one side, and the weakness of defence on the other, which influenced the Chamber in its rejection. We confess our inability to enlighten them on this point, even after making every allowance for the facility with which a pecuniary appropriation is adopted as the war-cry of opposition. A more conclusive argument than that of the Duc de Broglie, in favour of the bill, whether it be regarded as a historical exposition, or a parliamentary justification of the measure he defended, we will venture to say, does not exist.

He was, moreover, most ably seconded. Nothing was left undone, which the ability or the research of the ministry could suggest. In the arguments of the opposition, a specimen of which we intend presently to consider, we have been able to discover an unbounded gratuity of assumption, and the most profligate perversion of moral logic, but little strength or solidity, and still less any apprehension that there are means which no end can justify. Let us examine, for a moment, the speech of M. Bignon, one of the most ardent and influential opposers of the American claims. What shall we say to the following reasons for refusing to pay a debt?

"Moreover, it is easy to show, that the Americans, in the course of the war, and favoured by the war, have obtained, under various forms, more than compensation for their losses; it follows, that the amount might have been reduced to a very moderate sum, in a convention founded on good will and good faith."

* * * * *

"The nature of the last war has given a new face to maritime questions.—What government has profited, and will profit the most by this great change? The government of the United States, certainly. What nation has contributed the most to produce it? France. This important result, in the war of our revolution, ought not, I think, to be disregarded, in estimating the American claims."

Truly, we ought to be much beholden for the patronizing care of France. The nature of the obligation, however, brings strongly to our remembrance the hypothetical benefits of the kind empiric in Massinger:

"*Emp.* For your own sake, I most heartily wish that you had now all the diseases, maladies, and infirmities upon you, that were ever remembered by old Galen, Hippocrates, or the later and more admired Paracelsus.

"*Pau.* For your good wish, I thank you.

"*Emp.* Take me with you, I beseech your good Lordship. I urged it, that your joy in being certainly, and suddenly freed from them may be the greater, and my not-to-be-paralleled skill the more remarkable."

We sincerely trust, that for the future we may be spared both the disease and the remedy. But to return to M. Bignon's political quackery.

"When a neutral government" (no matter how weak) "is placed between two belligerent parties, unless it makes its flag respected by one, it has no right to require that respect from the other."

That is, when two powerful nations go to war, one less powerful than either, to protect her own rights, must fight both.

"All the *precautions of the French*" (in the shape of captures, seizures, burning and confiscation) "were nearly useless; and for one vessel seized and confiscated on account of *fraud*" (trading with England, in perfect consistency with our neutral rights) "there were twenty which escaped unpunished."

Admirable precautionary remedies against neutrality—a disease which the great state physician more frequently cured by phlebotomy.

"From the date of the Embargo at the end of 1809, all the exceptions made by the French government in favour of the Americans, arose from kindness and pure liberality."

* * * * *

"The seizures" (under the Trianon decree) "were lawful, and your committee, in admitting the value of these twelve vessels condemned under it, into the indemnification, have done an act of *pure munificence*. I have thought proper to notice this fact, in order that the Chamber may see how indulgently the claims of the Americans have been treated."

This Trianon decree, it will be recollected, as it was the last, so it was the most utterly indefensible of all the Imperial edicts; inasmuch as it was not only retroactive in its operation, but was directed against property specially invited into the French ports, and issued on the very day on which the American minister was officially assured of the amicable designs of the Emperor, and of the approaching repeal of the Berlin and Milan decrees.

"Debts from one nation to another," continues the orator, "do not increase in value by age" (that the United States have a good right to know.) "*Time lessens, and at length extinguishes them*. Whenever a government, to which another is in debt, concludes a new arrangement, without obtaining the payment to which it lays claim, the reservations made on the occasion are but empty pieces of formality. Every fresh reserve is only another sponge passed over the debt."

Now, to our poor thinking, every fresh reserve is a new acknowledgment; and we cannot but consider the morality which first suggests a promise to pay hereafter, and then makes the delay a justification for not paying at all, as a fit counterpart for the logic which can discover grounds of obligation in spoliation and robbery. In the following paragraph, we are at a loss to say wherein M. Bignon is most in the wrong—his premises or his conclusion.

"The Americans at first asked nothing from the Royal government. The late negotiations were too fresh in the memory of all. For eighty licences they had offered to absolve France from all their demands. *When Napoleon had fallen*, it was not eighty ships only that were admitted; they came into our ports by hundreds."

Shall we seriously refute such school-boy sophistry as this? During the Empire, those eighty licences would have been worth eighty millions of francs, (one authority says ninety millions,) five millions more, at the lowest estimate, than our whole claim. With Napoleon, however, fell Napoleon's system, and all the world went along with us to the French ports. The *exclusiveness* of the privilege was all that could render it valuable. But, in fact, and here ends the whole argument, the American government never authorized such an offer.

M. Bignon sums up as follows, and with this extract we take our leave of him:—

"I am convinced, that according to the principles not only of political equity but of natural equity, France is not bound to indemnify the Americans for the *accidental losses* which they suffered in a long contest undertaken for the *defence of common rights*, the triumph of which has consolidated their power, and secured to them immense advantages in future; whilst France is left mutilated and exhausted, having lost all but her honour."

And truly, if the counsels of M. Bignon shall again prevail with the legislature, we know of no nation on earth which is more likely to lose that. What are we, as plain-dealing Americans, with our long-denied evidence of right in our hand, to think of that body which, on such shallow and sophistical evasions as we have cited above, could consent to vote down the most solemn exercise of executive function towards a friendly and injured nation? For it was this very speech of M. Bignon that (on the authority of the *Moniteur*) "produced the greatest impression upon the Chamber," and the author of which was greeted, on descending from the tribune, with the felicitations of a number of members.

It was our design to go somewhat more at large into the examination of these debates, but we feel that it would be superfluous. One ground of opposition which was vehemently pressed, was that the American claims had been transferred from the hands of original holders into those of speculators and stock-jobbers. That the necessities of our citizens have in many instances forced them to part with their demands, there can be little doubt, but we know by the report of the American Commission that most of them remain with the successors and representatives of the original claimants; and if they did not we cannot appreciate that reasoning which, in consequence of the postponement of an act of justice, furnishes the wrong-doer with an argument for denying it altogether, thus justifying one injury by another. It was doubtless rumoured in Paris that Louis Philippe himself had become the owner of a portion of the debt, and that he thus had a strong personal interest in forwarding the treaty. There was not the slightest evidence of this fact, and it was moreover well known, that every claimant before the American board was compelled to file a memorial setting forth on oath the nature of his individual interest, and that he was solely concerned in the amount for which he applied. Besides, had the interest of the King of the French been fully established in a part of the claim, we see no reason, provided the balance was justly due to American citizens, and the whole treaty stood on defensible, nay meritorious grounds, how it could with any show of justice be rejected. It might have annoyed the sensibilities of the Parisians to know that the throne of Pharamond was filled by a dealer in *rentes*; but his majesty of Prussia has a similar taste, and we have just read in a foreign newspaper that the "*ci-devant résidence impériale*" of *Thérésienbad*, near Vienna, is to be disposed of by lottery at sixteen francs the ticket. It is vastly cheaper royal amusement than a campaign of Louis XIV. or Napoleon, and we are not sure that the time may not arrive when it will be deemed equally respectable.

The Florida treaty was another alleged objection to the payment of the American claim, at least so much of it as related to the Biscayan seizures. It was advanced by M. Mauguin, at the

end of the debate, and was not met by the minister with the same confidence that former grounds of opposition had received. It is not necessary to enlarge upon it. In the first place those seizures are not within the letter of the Florida treaty, which stipulates for payment for prizes *made by French privateers, and condemned by French consuls*, within the territory and jurisdiction of Spain. They were, as the Minister of Foreign Affairs observed at once, vessels invited by the French commander into those ports, seized by military force, and confiscated without the intervention of any tribunal, by the mere mandate of the Emperor. In the next place (which the minister did not say) not one of those seizures was allowed by the Florida Commission, while every one of them has been held good ground of claim under the recent treaty. Finally, not one dollar arising from those seizures went into the Spanish treasury; the property itself was not even sold in Spain, but sent round to Bayonne; and, what terminates the question entirely, Spain, when settling her account of eighty millions with France in 1828, for the kind campaign of the Duc d'Angoulême against her liberties in 1823, never alluded in any manner to the Biscayan seizures, or produced it at all as forming an item of set-off against the sum stipulated by the treaty to be paid. So much for the argument which, perhaps, had the most weight in effecting the resolution of 1834.

We are bound to notice, before we quit altogether the debate of 1834, a taunt thrown out by M. Boissy d'Anglas in the Chamber, and which, from the proclamation of neutrality in 1793 to the present moment, has never ceased, when French and American interests have been at all in collision, to form the rallying cry of those whose gratitude is a more active principle than their patriotism.

"If our government," says the orator above mentioned, "be destined to submit to injustice from a nation *which owes its very existence to the generosity of the French*; if we have not invoked a sacred right which the Federal Government has respected in others; if we are to be under the necessity of again passing, as in 1815, under the *furcæ caudinae* of all nations, a treaty based upon the most rigorous justice, can at most oblige us pay only *the excess of the injury received from us by this nation, which forgets that its independence was bought by the blood and treasure of France.*"

Is there to be no reply to this unceasing *Galliad* about French benefit and American obligation?

———"Nunquamne reponam,
Vexatus toties rauci Theseide Codri?"

If we are indebted to France for her "blood and treasure," let us, so far as the obligation can be estimated, discharge it to the uttermost farthing—if, on the contrary, that blood and treasure was lavished to promote her own ends by our means, let us at least have credit, on the account, for our share of the advance.

It is somewhat invidious, we confess, when benefits have been

received, to scrutinize too closely their origin or their object—to seek a scale in the selfish principle to measure favours withal. But when ancient kindness is invoked to cancel recent injury, common justice demands that we should inquire on which side the balance lies. That generosity which is to be paid for in sufferance, is but a bastard virtue; and the nation that claims to have bought a right to insult us, must be content to show the amount she has given for it. In such a bargain “we’ll cavil on the ninth part of a hair.”

Gratitude, (particularly national gratitude,) must be proportioned not only to the service rendered but to the motive of that service. If, by conferring a favour upon us, another confers an equal or greater benefit upon himself, he owes us an obligation for the opportunity afforded him of promoting his own interests—our advantage was merely an incident, not a moving cause. It is only under such circumstances that nations act for each other—it is only under such circumstances, or at least where some great advantage is to be derived, that those who hold the interests of a people in trust, have a right to act for each other. The relief of the distressed would form a sorry item in a ministerial budget—the very name of Greece has been sneered out of our American Congress, by the mention of a crusade against windmills. But for the preservation of the balance of power, the weaker nations of Europe would long since have been annihilated. The stronger have protected them by turns for their own safety, not from any sentimental or romantic motives. When England interposed to redeem the Low Countries from Spain—when, at a later period, she rescued the Peninsula from France, and subsidized half Europe against Napoleon—we will venture to say she made no registry of the obligation to be carried to her credit against future demands. In the one case she defended her own interests—in the other she fought for her own existence. England will never wage war upon the Thames, while her resources will enable her to do it “on the Rubicon or on the Rhine,” on the Tagus or the Scheldt. If she or any other nation can get credit for disinterestedness by fighting her own battles behind the barrier which the necessities or weakness of a foreign people have supplied, so much the better. She accomplishes two objects instead of one. But we have never yet heard of that country that has been duped into paying for the experiment. Eight hundred millions sterling of debt are so many arguments which Great Britain can show to the contrary. Nor have we in our recollection any instance in which gratitude for old services has prevented new and antagonist alliances. The succours of Louis XIV. to Portugal, did not prevent that country from becoming the close ally of England—those of England to Holland, which we have already mentioned, did not hinder the Dutch war of 1664.

The peace of 1763 left France humbled by the successes of

her old rival and enemy, and ready to seize any occasion which might offer to abate that preponderance of force in which the previous war had resulted to Great Britain. Particularly was she anxious to forward any measures which might tend to foster a naval power to supply the lost strength of Holland, and in some measure to balance the great maritime weight of her antagonist. With her eye steadily fixed upon this object, she watched with eagerness the troubles which commenced in the American colonies with the imposition of the stamp act in 1765. The war broke out in 1775. Careful not to commit herself, yet anxious to forward her purpose, Beaumarchais was permitted, on his own responsibility and as a commercial speculation, to sell arms and munitions of war to the Americans; yet was the communication carried on between him and the Comte de Vergennes with such precaution, that the latter did not venture to write with his own hand, or to employ any of his official secretaries, but made use of the services of his son, a lad of fifteen, in the correspondence. At length, in May, 1776, a million of livres was advanced from the royal treasury. The loan was made through the *Sieur Montaudoin*, "*comme s'il en faisait l'avance.*"* Let us see what motive is alleged by the French historian for this first step in behalf of America, a step as he admits not altogether consistent "with the moral principles of the Count." It would not do to admit that France was taking an underhand method of avenging old injuries, but the conduct of the minister, says he, "may nevertheless find extenuation in the offers which it was rumoured England had made to her colonies in a scheme of conciliation, by which they were to unite their efforts against France, and mutually to assist in the invasion of the French colonies. *This scheme induced France to prevent the blow by an American alliance.*"† "Your majesty," says M. de Vergennes, speaking for himself in 1784, "incensed by the injustice and violence of England, became earnestly intent upon devising means to limit the pride and ambition of that aspiring nation, and upon preventing any ill effects to France from the revolution which had broken out in North America."‡ And in the observations on the memoir published by the Court of St. James', relative to the quarrel, in 1779, that of Versailles invoked the example of Queen Elizabeth in regard to Holland, to show that she had a right to interfere in behalf of the Americans, and added, that "*the interests of France were sufficient to determine her in favour of the American alliance in order to put an end to a preponderance which England, in the four quarters of the globe,*

* Lettre du Comte de Vergennes à Louis XVI. du 2 de Mai, 1776. Flassan, Hist. Gén. de la Dip. Fran. Tom. 7.

† Flassan, Tom. 7. pp. 151, 166.

‡ Mémoire à Louis XVI.—Ségur, Politique de tous les Cabinets. Tom. 3.

abused to the prejudice of France.”* It abundantly appears from these extracts, which we have selected from a mass of authorities, that the interests of France, her honour and dignity, endangered, outraged, and insulted, first led the government of that country to the assistance, and finally to the alliance of the American people.

Previously to that alliance, however, there was little in the conduct of the French court to mark a very earnest or vigorous interest in our behalf. What we did for ourselves was the forerunner of what we were to gain from France. “Aide-toi et le ciel t’aidera,” was never better verified than in the consequences which followed the Declaration of Independence and the battle of Saratoga. France then began to perceive that a great blow was to be struck, by which half the naval resources of England, and possibly all her American trade, might be cut off—perhaps to be transferred to herself. “The communication of the act of independence,” says the author of the *Diplomatie*, “and much more the news of the defeat and capture of Burgoyne’s army, terminated the irresolution of the court of Versailles.” She began more than ever to dread a re-union between England and her colonies. In a letter of 8th January, 1778, from the King of France to his brother of Spain, to persuade him to join the American alliance, Louis writes thus: “Since November last, the state of affairs has been entirely altered by the destruction of Burgoyne’s army and the very straitened position of that of Howe. America is triumphant and England depressed, though still in possession of great and unimpaired naval strength, and indulging the hope of a profitable alliance with those colonies which she has found it impossible forcibly to subdue. About this all parties are agreed. Lord North himself has openly announced to parliament a plan of pacification, to be brought forward at an early day, upon which all sides are now busy. Whether that minister retains his place therefore, or is superseded by one of contrary politics, is of little importance to us. Different motives unite them against us, nor will they forget our ill offices towards them. They will assail us with as much vigour as if there had been no war. Having taken the advice of my council, therefore, and especially of M. d’Ossun, and considering the foregoing circumstances and our obvious causes of complaint against England, I have conceived it to be both just and necessary to open a negotiation upon the propositions of the insurgents, *in order to prevent their reconciliation with the mother country.*”† Even after the events which are alleged so materially to have altered the state of affairs, France proceeded with the utmost caution. Dr. Franklin, that *superbe vieillard*, as Flassan styles him, was obliged to write home for a certified copy of the Declaration of Independence, and was permitted *to hope* that he

* *Mercure histor. et polit.* 1780.

† *Diplomatie*, Tom. 7 pp. 178, 179.

would eventually be accredited. So late as the 15th July, 1777, the French minister officially denied to Lord Stormont, the English ambassador, any participation in the American Revolution; nor was it until February, 1778, that the treaties were finally signed, though the resolution to acknowledge the independence of the States had been communicated the preceding December. The result of the alliance was a loan of eighteen millions of livres to the United States, between February, 1778, and July, 1782, and the despatch of a competent force to carry on the war with England.

In making these treaties, it is abundantly obvious that France had three sufficient motives, each peculiar to herself—retaliation for the past, present interest, and anticipated advantage. Together certainly they form a sufficient inducement for entering into the alliance, without searching for incentives in the sympathy of the people for republicanism. "C'était," says the author already cited more than once, "une occasion offerte à la vengeance pour les sacrifices et les humiliations de 1763." * * * "La cour de Versailles augurait enfin, qu' à peu de frais et par quelques courtes démonstrations, plutôt que par une guerre opinâtre et longue, on obtiendrait des réparations de l'Angleterre et des avantages signalés." * * * "Le commerce Français et celui de l'Europe entière se flattaient de s'enrichir de tout ce qu' allait perdre celui de la Grande-Bretagne, l'équilibre maritime y gagnait encore."* Here is the whole history in five words. An old grudge satisfied, the maritime balance equalized, France enriched by the spoils of her adversary, taking her place in the growing trade of a hemisphere, secure of her path over the seas, and all this *à peu de frais et par quelques courtes démonstrations*. Truly, she would have been dull indeed not to profit by the opportunity. "It was not only by sympathy in the independence and liberty of the English colonies," said M. Jay, in 1834, "that the French government was led to form an alliance with them; it determined to efface, if possible, the disgrace which it had contracted by the treaty of 1763; to weaken England, and to restore the balance among the maritime powers. *That war had not a sentimental object; it had a political object; it was for the interest of France that it was undertaken.* This service, rendered to the United States from calculation, does not in any manner justify the spoliations which have been committed to the prejudice of American citizens."† "The support," writes the National Convention (and M. Boissy d'Anglas will not dispute the authority) "which the ancient French court afforded the United States to recover their independence, was only the fruit of a base speculation; their glory [subsequently] offended its

* Tom. 7, p. 165.

† Speech in the Chamber of Deputies in favour of the treaty of 1831.

ambitious views, and the ambassadors of France bore the criminal orders of stopping the career of their prosperity."* Turn which way we will, the united force of history and common sense, speaking through organs as various as the shifting politics of France herself, leaves but one impression on our minds in relation to this French alliance, and that is, that it was, (and we speak it not in censure,) a purely selfish bargain, in which both parties were deeply and almost equally interested—America in securing her independence, and France in preserving her safety from the certain consequences of a re-union of England with her colonies, and in taking the place of the latter country in the direction of their trade. Another thing is apparent from the statements we have furnished and from all the contemporary evidence, to wit, that we stand indebted, if indebted at all, to the King and to the court, not to the people of France, for our revolutionary successes. Let us have the truth in this matter, however inconsistent it may be with prevalent notions and fictitious sympathies. Can any one see in the slow and cautious movements of Louis XVI., as they have been sketched above, any evidence of a policy, dictated by the popular enthusiasm of which we have heard so much? That King was, to all intents and purposes, an absolute monarch. It was not the custom of his dynasty to appeal to the people, (who indeed at that period scarce had a name,) for the measures of his government. We in America have mistaken consequences for causes. The popularity of the American war followed instead of preceding the action of the court. In fact, down to a comparatively recent period, it was believed in France that the Colonial insurrection was actually set on foot at the instigation of the Duc de Choiseul, the minister of Louis XV., for the purpose of embroiling England and France, and wiping off the disgrace of '63. Unquestionably the American cause became popular; so much so, that Flassan says we had for auxiliaries half the nation before Louis XVI. declared himself *openly* for us. Doubtless, for he took three years to make that declaration, and in the mean time England discovered the secret, and publicly expressed her annoyance at it. This was enough. The inveterate hatred for England would have inspired equal enthusiasm into the French nation in favour of the Turks or the Russians. The citizens of Cherbourg and other sea-ports, moreover, liked English prizes, and the Dolphin and Lexington had them to dispose of. But as for any real, effective, operative enthusiasm for our cause, founded on principle and productive of results, in the mass of the French people, before we won a claim to our own spurs in the battle of Saratoga, it is idle to talk of it. It might as well be said, that the King of Spain was driven into the alliance by the republican sympathies of the

* Proclamation on the appointment of M. Fauchet, 1794.

peasantry of that country, when it is historically known that he did not join the league until April, 1779, and that he did so then in consequence of the pressing personal instances of Louis and his own quarrel with England, while at the departure of the English ambassador from Paris he had expressed his resolution to have nothing to do with the quarrel, and almost repeated the same determination in his answer to Louis of the 22d March, 1778. Even La Fayette, a nobleman and an officer, eighteen months after Beaumarchais had been authorized to minister to our wants, seems for the first time to have learnt, not only that the Congress of Rebels at Philadelphia had declared their country independent, but the causes and consequences of that event;* and this in a garri-son doubtless in constant communication with the capital. The alliance, we repeat, was the natural effect of a series of measures beginning in mere policy, and from their very character concealed in obscurity. We speak not of individuals—when the designs of France were revealed, we no doubt had their good wishes; but we are now arguing the point of national gratitude for national services—services producing benefits, originating in disinterested motives, and capable of accomplishing their end. The people of France did not—from the very nature of their relation to the government they could not, render such services.

One consideration more, and we have done with this most painful part of our undertaking—one that nothing but the elucidation of truth, and the vindication of our national character from an aspersion too convenient to be escaped, and too false to be endured, would have prompted us to attempt. What, conceding the whole question of obligation, is to be the limit of our indebtedness to France? The pecuniary part of it we paid like honest debtors. How can we discharge the rest? Without adopting the morality of M. Bignon, that national debts do not increase in value by time, we might tell of the miserable end of our “great and good ally,” and how regenerated France invited us to rejoice at the death of our real and effective friend, and to forget all his claims to our gratitude, in the faults of his dynasty. Nay more, we might set against his recognition of our first diplomatic representative, the contumely of the Directory, insulting our national emblems, and spurning our ambassadors—against the kind and courteous mission of M. Gérard, the brutal conduct and domineering errand of the Genets, the Fauchéts, and the Adets, their manifestoes and proclamations, their dictatorial messages and insolent letters, their libellous and inflammatory advertisements, their appeals, in fine, to popular fury, which had well nigh overturned all social and political order, and kindled civil war throughout our country. Finally, we might name against the sympathy which, though selfish, still

* See Mr. Adams' recent oration on the life and character of La Fayette.

succoured us, the arrogance of that overgrown power, which, for twenty years, preyed on the products of our industry, and, adding insult to injury, derided all our appeals for reparation;

— “impellens quicquid sibi summa petenti
Obstaret, gaudensque viam fecisse ruina.”—

We might speak of the violence of one government, the evasions of a second, the fruitless concessions of a third—we might tell of hope deferred through all the mummeries of diplomacy—all the meannesses of calculation—all the severed bonds of a plighted and violated faith. But we forbear. If our debt to France is not cancelled, there lacks but one more step in national humiliation, to complete the full measure of its possible penalty.

The correspondence which followed the rejection of the ministerial *projet* in April, 1834, and the assurances of M. Serrurier, the French minister to the United States, led very naturally to the belief, on the part of the government at Washington, that immediate measures would be adopted to present the bill at a new session of the Chambers. No opportunity was found appropriate for that purpose, however, before the meeting of Congress in December, 1834, and it became the President's duty to lay before that body, not merely the fact, that assurances, deemed positive, had not been complied with, but to state it with such emphasis as a general view of the subject, retrospective and prospective, might seem to demand. That some allusion to the protracted and ever renewed delays to which the recovery of our indemnity had been subjected, was proper, none can deny; that such allusion was necessarily of an indignant character, and accompanied by some reference to a remedy, seems to us but a corollary from what had gone before. The mistake was in the character of the remedy recommended. Reprisals, though just and legal, would have proved both impolitic and inadequate—impolitic, because they must necessarily lead to a war—inadequate, because they would not make good the unexecuted treaty, but rather add to its disadvantages. The true method of effecting that object would have been through the custom-house. More than one-third of the manufactured exports of France come, under the present system, to the United States. Nine-tenths of these exports are paid for in our cotton. We take articles of luxury, which a difference of duty of ten per cent. (and in some articles of three or four) will enable us to obtain elsewhere—manufactures of silk and woollen goods from India, Italy, England and Saxony; muslins from Switzerland and England; and wines (after our old fashion) from Spain, Sicily, and Portugal. The exclusion of the fine cotton goods of France would, moreover, wonderfully advance our own manufactories. France sends us nothing which we cannot do without, make for ourselves, or obtain elsewhere to equal advantage—whereas a million of French

mouths are dependant for their food upon the cotton of North America. They cannot get it elsewhere—if France excludes it from her ports, she forces us to manufacture it at home, or sell it and take the product at another market. She starves her own citizens now, and raises up rivals for them in all future time. If she comes to an open rupture with us, she must still import it, through England, with all its onerous burden of loss of time, transit duty, additional freight, commissions and insurance. The high price of cotton for a year past, notwithstanding the constant extension of the lands appropriated to its cultivation, proves very plainly the increased demand, while a profound peace is daily forcing the crowded population of Europe into the useful pursuits of life. We repeat, therefore, that every circumstance of our relation with France indicated a remedy by duties and not by reprisals, and such a remedy ought, in our opinion, to have been recommended in the Message.

Thus much for the *expediency* of the President's recommendation. Of his right to make it, without giving umbrage to France, no one can doubt, who agrees with us in the views we have heretofore expressed relative to the binding force of the treaty. We were suffering under a great wrong—a wrong arising, it is true, more immediately out of pecuniary considerations, but in its origin coupled with gross indignity, and aggravated in its progress by grievous injustice. The reparation of this wrong had been solemnly promised by the constituted organ of the French nation. We looked upon it as a vested right—ratified it, legislated upon it, prepared to distribute its avails. The promised indemnity is denied, and we are told, by that body which assumed the power to deny it, that we may recommence our negotiations. Such, at any rate, must have been their will. But with whom should we negotiate? Not with the King, for he had already subscribed and was content with the former agreement; and should he make another, another Chamber might reject it. Not with the Chambers, for they have no power to conclude treaties—nor even to initiate them, by entering upon a diplomatic conference. We could not, as the House of Representatives properly resolved at a subsequent period, renew the negotiation. It was morally impossible, because it would sacrifice the national dignity and honour—it was materially impossible, because there were vested interests which our government were bound to maintain—the interests of the claimants before the Commission. The seal was on the bond for their benefit, it could not be “railed off” to their loss. What then was the President to do? He had responded to the assurances of the French minister, by permitting the session of 1833–4 to pass without any mention of the vote of the Chamber. Those assurances had not been confirmed by any step of the French cabinet, up to the next meeting of Congress. Some notice of the circumstances of the case was

essential. Could the Message express undiminished confidence in the full execution of the treaty, without exciting universal derision? Two years had passed without the fulfilment of a single stipulation—eight months had gone by since its entire and contemptuous rejection—nearly six had elapsed without an effort to redeem the pledge of M. Serrurier. Was it the President's duty,

— “bending low, and in a bondman's key,
With 'bated breath, and whispering humbleness,”

to deprecate the obstinacy of a foreign Opposition, and to express his hopes, that in the revolution of the political wheel, some popular minister might buy, beg, or borrow votes enough to do us justice? If France feels aggrieved by the language of our President, we felt much more sensibly injured by the acts of her Chamber. Whatever she may think of us, we at home believe that we have some national sensibilities, which, with the help of God, we mean to cherish and protect. It may be long before we complain—it was so long in this instance that France seemed to count upon a prescription against remonstrance—but when we do so, we trust that our voice may always be heard in tones at least vigorous and manly. A firm and bold bearing, consistent, direct, and resolute—a policy that ascertains its rights, and having ascertained them, prevents or remedies their infringement—an attitude not of defiance but of resolution, and that self-reliance which enforces respect from others, are all that a popular government can depend upon for the security of its foreign relations. If these are to be sacrificed to propitiate cupidity or power, we shall very soon become a by-word among the nations.

In consequence of the Message, France recalled her minister and offered Mr. Livingston his passports. Mr. Livingston should have taken them. He had no business in Paris after such a circumstance. He, in effect, had no transactions with the government in his official or private capacity. He was insulated. France had signified her desire, after the usual fashion, that he should withdraw. A new element was added to the controversy, from which his presence could not disentangle it. The ardour with which the expressions of the President were denounced by the French Opposition, was characteristic, and was not unexpected. There was no thought of pleasing or flattering France when they were inserted in the Message—nor was it necessary that the representative of the United States should remain to make awkward explanations about them. The course pursued by Congress was proper, because it was founded on information subsequently received, which rendered it inexpedient to adopt the recommendation of the Message, or a substitute therefor. It is easy to say now, that this information might have been anticipated—(inferences from events are extremely convenient)—but *then*, all experience, ancient

and recent, indicated the contrary. While we are so anxious about the wounded sensibility of France, let us have an equal degree of anxiety for the preservation of our own honour and national character. It was at one time in the power of the United States to leave these reclamations to the perseverance and energy of those citizens whose property had been invaded. But having once asserted the national interest in procuring redress, no matter if the sum were but one tithe of twenty millions, they were as much pledged to the accomplishment of their object as if half their territory had been at stake—not by the same means, perhaps, nor with the same haste, but with an energy which should make their determination understood, and not with the less emphasis at last, that the occasion was delayed till patience had ceased even to dream of success.

Since the foregoing observations went to press, intelligence has been received of the passage of the Indemnity Bill, on the 18th April, by a majority of one hundred and fifty-two. The considerations we have heretofore found occasion to present upon the debates of 1834, may be applied with very little modification to those of 1835. An Opposition, composed of the most discordant materials, but united in the determination to sacrifice ministers upon this measure at all hazards, have retrodden the old ground, and reasserted the old cavils and common-places. Their system seems to have been one of agitation, and their art simply that of startling a peculiarly excitable body by bold assertion and unexpected developments, totally aside from the real merits of the question. They had seen the effect of a stroke of this description at the close of the former debate, when allusion was made to the Florida treaty, and they endeavoured to profit by the example. Take, for instance, M. Berryer's harangue—the most eloquent and specious, doubtless, which was presented to the Chamber, and it will be found, that after exhausting the hacknied topic of the justifiableness of the Imperial decrees, and the neutral obligations of the United States to defend their flag—matters long ago disposed of—he relies upon supposed errors in the report of the American Commission, all of which and a hundred other such might be admitted, and yet the amount of valid claims far exceed the stipulated indemnity. The speech of M. Berryer, and the effect produced by it, are well characterized in a Parisian journal before us.

“ Elever des doutes, faire des questions, amonceler les incertitudes, équivoquer sur les petits faits pour faire supposer la fausseté des faits principaux, donner sans cesse le change à la Chambre avec une habileté rare, attaquer ce qui ne fait rien au fond de l'affaire, comme si c'était toute l'affaire elle-même, voilà le plan et la forme du discours de M. Berryer; l'Opposition l'a aidé à remplir ce plan, et l'a aidé avec un zèle qui avait parfois son côté plaisant. M. Berryer mettait en avant une assertion; c'était aussitôt de la part de l'Opposition un cri universel d'étonnement et

d'indignation, comme si le fait qu'alléguait M. Berryer était hors de tout contestation; et alors M. Berryer, tempérant cette émotion, se hâta d'avertir qu'il ne fallait point se laisser entraîner, que son assertion n'était qu'un doute, un motif de recourir à un plus ample informé, rien de plus; priant toujours qu'on ne le crût pas trop sur parole; ayant de cette façon toute la bonne grâce d'un homme qui ne veut pas, dans ce qu'il dit, aller au-delà de ce qu'il croit; mais la réserve ici était sans danger, l'esprit de parti se charge d'y suppléer. Quand l'orateur doute, l'esprit de parti croit, et l'empressement de sa foi n'a pas besoin d'examen."

To the eloquent agitators of the French Chamber, and the Parisian press, be they royalist or radical, whatever answer they may have heard at home, we as Americans return, after all, one conclusive reply, and that is our treaty, the evidence given to us by France of our ascertained and indefeasible right, signed and sealed in full contemplation of all the considerations which have since been urged against it. On our construction of the transaction, the moment we ratified that bargain, that moment we ceased to be a party to any inquiries or objections derived from antecedent circumstances. We deem it, therefore, in no manner incumbent on us to refute anew, or farther to examine the reasoning of a desperate, and as it has proved, feeble Opposition, alike insensible, in the madness of faction, to the honour and the interest of their country. After so many years of neglect, of reproach and of negotiation, our claims have found successful advocates in the awakened spirit of our own government, and the alarmed manufacturers and merchants of France. Lyons, Bordeaux, and Havre, have proved stronger champions than the enemies of Louis Philippe and of the Doctrinaires. There would be little difficulty in characterizing the motives of the principal opponents of our claims in the Chamber of Deputies. Means are not wanting to show how profligate and reckless are the present French Opposition, and how little scruple would be felt at overturning by any means the constituted government, for the chances of a new restoration, a second Luperclian coronation, or the vision of a republic.

The following is the first section, (and to us the only important one,) of the Indemnity Bill, as it finally passed the Chamber of Deputies. The remaining articles have reference solely to the distribution of the sum guaranteed by the United States to the French claimants under the treaty.

"Art. 1er. Le ministre des finances est autorisé à prendre les mesures nécessaires pour l'exécution des articles 1 et 2 du traité signé le 4 juillet 1831 entre le Roi des Français et les Etats-Unis, dont les ratifications ont été échangées à Washington le 2 février 1832, et d'après lequel une somme de 25 millions doit être payée par la France. Ces paiemens ne pourront avoir lieu qu'après que le gouvernement français aura reçu des explications satisfaisantes sur le message du président de l'Union, en date du 2 décembre 1834."

"The minister of finance is empowered to take the necessary measures to carry into effect the first and second articles of the treaty between the King of the French and the United States, signed on the 4th of July, 1831, the ratifications whereof were exchanged at Washington on the 2d February, 1832, and according to the terms of which the sum of twenty-five millions is due from France. [These pay-

ments shall not be made, until the French government shall have received satisfactory explanations in relation to the Message of the President of the Union, dated December 2, 1834.]”

An attempt was made in the Chamber to date the payment of interest from the day of the passage of the bill, and thus in fact to make a new treaty, but it was promptly negatived. The clause which we have placed within brackets was a substitute offered by General Valazé and accepted by ministers, for the fourth section of the *projet*, as originally reported by M. Dumon, in the following terms:

“Les paiemens à valoir sur la somme de 25 millions de francs, ne seront effectués qu'autant que le gouvernement des Etats-Unis n'aura porté atteinte à la dignité et aux intérêts de la France.”

“The payments on account of the sum of twenty-five millions of francs shall be carried into execution only on condition, that no attack shall have been made by the government of the United States on the dignity and interests of France.”

As the amendment of General Valazé was considered by the ministry equivalent in its principle and spirit to the foregoing section of the original bill, and as the intention of that was to produce “an accommodation honourable alike to both parties,” we presume that no difficulty will be found in complying with its requisitions; particularly since we do not perceive any intimation that the explanations which shall ensue are to be laid before the Chamber, as a condition precedent to the payment of the money. The Duc de Broglie, with a majority of one hundred and fifty, need not fear the threats of M. Mauguin. An intimation has been made that this explanation, whatever it may be, is to become matter of legislation at home. We cannot conceive how or wherefore. It is a matter of Executive consideration entirely, until in the contingency of its rejection, (which in the actual state of things can hardly be anticipated,) the President sees fit to communicate the negotiation to Congress, or that body deems it proper to inquire into it. As to the suggestion of an apology, or such profound and circumstantial retraction as shall meet the approbation of the press of the French capital, we presume the cabinet of Louis Philippe are too well informed of the American temper to entertain it for an instant. The constituted chief of a great nation may apologize for wrong, but not for the gratification of wounded pride, or to secure a pecuniary right. We cannot reason, however, upon mere hypothetical degradation, believing, as we do, that the respective governments will be prepared, in a spirit of candour and conciliation, to remove the last impediment from the amicable intercourse of two nations, formed by nature for the closest and most profitable communion, and to find their reward in the increased and reciprocal prosperity of both.

ART. X.—*A Statistical View of the Commerce of the United States of America, including also an account of Banks, Manufactures, Internal Trade, and Improvements; together with that of the Revenues and Expenses of the General Government: accompanied with numerous Tables.* By TIMOTHY PITKIN. 1835.

WE should prefer to have seen prefixed to this work the shorter title of "Statistics of the United States of America," for reasons that may be given hereafter. In the meantime we would observe, that if Americans are justly accused of being boastful of their country, this is not a book that is calculated to cure them of the fault—for it is hard to close its pages without some very definite feelings of pride in the consciousness of being part of a nation that is making such gigantic strides in the race where all are struggling. To be the peaceful citizen of a peaceful empire, in extent equal to almost all Europe; greater in resources than that of Alexander or Cæsar; and accumulating wealth with a rapidity such as conquerors never dreamed of—is, to say the least, a very comfortable feeling. How long, indeed, it may be given us as a united people to run this race of unexampled prosperity; how soon, on the other hand, our Union may become matter of history to point the moral or adorn the tale of the passions of rulers or the madness of the people—these no doubt are "sedative" questions, well calculated, like the thought of disease and death with the individual man, to temper the self gratulations of health and fortune: but still they are but anticipations, and cannot be expected, either with nations or individuals, to make them either sad or blind to their peculiar blessings. How *long*, therefore, our course, depends upon a good Providence—or, looking to human means, on the care we take to build our prosperity upon virtue and knowledge. How *rapid* it has been is a question of fact, and to that alone the work before us invites our attention. Now, in what age or section of the world shall we find another people of whom it might be said that in the interval between two editions of the same statistical work, by the same hand, the following changes were to be noted—"increase of population, 6,000,000"—"new territory purchased and paid for, \$ 5,000,000"—"2,500 miles of canal completed, at an expense of \$65,000,000"—"1,600 miles of rail-road, costing \$ 30,000,000"—"public debt wholly paid off, amounting to \$120,000,000"—"no direct taxes," "no excise,"—and yet the treasury so overflowing that custom-house duties have to be reduced fifteen or twenty per cent., lest the body politic should fall into a plethora and die of surplus treasure! What would an Englishman or Frenchman think of such a budget? and yet all this is true of the United States—between the years 1817 and 1835, the date of the first and second editions of the work before us—so that after

all, until the nations of Europe can say as much, we must be permitted, in spite of foreign majors and captains and heroines, to boast a little.

If, indeed, we took credit to ourselves for effecting all this—ascribing it to our superior wisdom, skill, or national virtue—we should certainly evince as little sagacity as we did modesty; but if we explain it, as every common sense American does, into our unprecedented external advantages—as being a people at once infant and mature—with the vigour of youth and the experience of age—applying the skill of the old world to the productive energies of the new—and starting free and unshackled in the race of wealth—claiming for our people no other merit than that of energetic and ready enterprise, and for our government no peculiar excellence beyond suitableness to those whom it represents, but can hardly be said to govern, and whom, consequently, it leaves free to the dictates of individual clear-sighted interest—thus explained, we see neither folly nor falsehood nor conceit in the assertion that the United States stands, as a nation, without a parallel either in ancient or modern times—“*instantia singularis*”—“a solitary instance,” such as time has never before brought forth, and probably never again will—the surface of the globe offering no equal second locality for such an extended experiment.

But while we are thus bold for our country, we are far from challenging, with all his merits, quite as much for our author. We cannot say we pride ourselves upon the work that yet has made us proud. Still, let us not be misunderstood. It is not but that the book is a good one, nay the very best that is to be met with, and one that every intelligent inquiring American should possess; nevertheless it falls so far short of its own high arguments, or rather it seems to be written with so little true conception of what a great national statistical work should be, (a character claimed for it, we presume, by its author,) that we are tempted, before entering into its subject matter, to give somewhat at large our *notions* of what he should have aimed to make it.

In the first place, such a work should have been what this is not—free from all political or party feeling—and this we say, not in the spirit of party ourselves, for in most points we agree in sentiment with our author—but because “*non erat his locus*”—this was not the place for the display of it. As Horace of old charged upon the poet, “you have painted the cypress tree well, but what business had it in the shipwreck”—so do we say to Mr. Pitkin, you have argued well the cause of the Bank, and declaimed eloquently against Bonaparte—you have pleaded boldly the cause of internal improvement, and plausibly for the tariff—but what has all that to do with simple facts? Can opinions alter figures, or affect the summing up of an account? Will not a 5 continue to be a 5, whatever you think about it; and is not the only effect of showing that you

would rather have it a 6, to excite the suspicion that the wish may sometimes guide the pen? Now, such want of candour or integrity we are far from insinuating. We only say that it is not wise in our author thus to disparage his own statements, by mixing up his opinions with them—nor, we would add, is it right thus to turn a science of *facts* into one of *speculation*. It was a saying of Swift “the numerals are neither whig nor tory,” but then the danger is that they will be judged of by their company, and if they wear the badge of one party, will at least be suspected by the other. Among the parts of the present work, which thus offend and lose value by this admixture, we would mention particularly Chapter XI., on *Manufactures*, in which the facts seem to be valued but as material for an argument in favour of “high duties and the protecting system.” Now, this should not be. The time is past when politics, political economy, and statistics, stood jumbled together as one multifarious science: however cognate, they are now recognised as distinct, and should be so treated.

The second point we would require in a national work of this kind is, that it cover the whole ground of inquiry. The statistics of a country comprehend all classes of facts which bear upon its prosperity and advancement. The writer, therefore, who takes up a partial view of the subject, gives to the reader, by necessity, a false one—since he leaves out some of the elements of national condition. It is an account current, in which all the items are not entered. How, then, can any one strike the just balance? Against this charge, our author's defence would doubtless be, that he has done all that he intended—all that in his title-page he promised. Our rejoinder is, he was bound to intend and promise all that the nature of his subject demanded. He may have come into the field a volunteer, but, once entered, he is no longer free to choose the extent of his service. The public has a right to require that he treat the matter before him in such way as to do it justice, and every purchaser of his book has a right to complain if he do not.

'Tis here we lay down this law, not for every statistical inquirer—for in mental as in manual labour, there must be a class of operatives who work upon parts for others to put together—but we lay it down for such as our author—master-workmen—from whose hands we look for the complete and perfect article. Now this, Mr. P. has not chosen to give us, and we say it is a defect, not in the execution, perhaps, but in the conception of his work. Standing as he does first, if not alone, in this department of American science, he should have imaged to himself a higher scheme, and not have forced his readers to look elsewhere for such important data as the following, viz: “Education,” “Colleges,” “Common Schools,” “Libraries,” “Religious denominations,” “Penitentiary System,” “Poor Laws”—“the Indian races,” “Immigration,” “Bills of Mortality,” “Funds,” “Stocks,” “Naval and Military Force,”

&c. &c., not to mention others very slightly touched upon, such as the "Home Trade," "the Mint," "Post Office," &c. Now all these, in our opinion, should have been in the volume, and might have been so without any addition to its bulk, since more than room sufficient would have been gained by leaving out discussions which have no business in it. Not only, too, should these and many such have been added, but the whole, we think, should have been preceded by the topography or rather physical geography of our country, on a knowledge of which depends a right estimate of what we have already done, and what remains for us to do. With this view we would have both the natural and artificial resources of our country fully developed by maps and plans—its mineral treasures—its natural and artificial lines of communication—its cultivated and wild lands, with their varying density of population, all speaking to the eye by lines and bounds, and lights and shadows, and conveying to the mind information more precise, and at the same time more impressive, than words or figures can give.

As illustrative of this species of statistical map, we would refer our readers to a comparative population map of the world, prefixed to Powlett Scrope's Political Economy, (London,) where the relative density of population is indicated by a lighter or deeper shade—the object of it was to overthrow the Malthusian theory—the effect of it was that of a most conclusive argument. The canal and rail-road map, recently published by D. K. Minor, New York, will give an idea of the value of such visible delineation in another department—and as to our mineral treasures of coal, iron, lead, gold, &c., it is easy to imagine how much clearer notions of them we should have from a well coloured mineralogical map, than from any description. We are happy to find that our state governments are beginning to appreciate the value of accurate knowledge upon these subjects. North and South Carolina set the example, several years ago; a geological survey under authority having been made of the former by Professor Olmstead, of the latter by Professor Vanuxen. The next was that of Massachusetts, under the direction of Professor Hitchcock. A similar survey of Tennessee is now in progress by Dr. Frost—while New Jersey, Pennsylvania, and at last New York, have taken legislative steps to effect the same. Maryland is also going on—and Congress has already received a report of progress from the geologist* appointed by them at their former session. This department of statistics, therefore, need not henceforward be a blank.

Our last demand, and one in which we must say the present work fails to satisfy us, notwithstanding its great mass of valuable materials, is *arrangement*. Now, this we consider to be essential. If the first element of a statistic work be accuracy, the second cer-

* George W. Fetherstonhaugh, Esq.

tainly is ORDER—for it is this alone that makes collected facts either safe or available. Of what value are they if they cannot be found—or if when found, not in their right connexion? Nothing is more annoying to a reader, than to have to search for that which ought immediately to appear—and nothing more perplexing to a writer (*me judice*) than to have isolated facts presented to him, which are valueless for want of due classification. It is by order alone that statistics can ever become what it certainly may, a *science*—like all the natural sciences—a science of arrangement—one in which, though figures are continually changing, the scheme and outline continue the same—giving unity and simplicity to what would otherwise be a confused and intricate wilderness of details. The rapid changes in the condition of the United States, render such a work doubtless more difficult, but at the same time more important—and it would be part of our scheme to meet this difficulty by the publication of an “*Annuaire*” similar in size and form to the larger work—and referring by page to the original matter, in its annual corrections or additions. If any one doubt the value of such scientific order, we advise him to try the question by comparing the facility with which he can refer to any one of the 100,000 species of plants, systematically arranged, with the difficulty of performing the same operation among minerals, where there is not the twentieth part of the number. Or should any doubt whether such accuracy is compatible with the looser nature of statistics, we refer him for satisfaction to the “*Annales*” of the Statistical Society of Paris, or the volumes of its philosophic president, M. Balbi—or should he desire still more academic authority, to the treatises of Graberg and Baron Malchus.* In our country the science may be new, but it should not be unknown—and to such writers as our author we have a right to look for its introduction.

Now, in this point the present work would admit of great improvement. There seems to have been in the mind of the writer no well defined scheme or plan, giving unity to the whole, and order to the parts. Its subjects oftentimes follow or precede without definite reason—and sometimes in direct opposition to reason. Thus “*Population*,” which naturally comes first, is to be found last (Chapter XIII.): the actual commerce of the country precedes the historical view, which obviously should come before it; and in the same chapter we find the tables of gold and silver of 1833, mixed up with the brown sugar and coffee of 1806–7.

Another point of order required by the science, is uniformity in moneys, weights, and measures. All foreign estimates and tables are to be reduced to our own, and thus one source of trouble and

* “*De Natura et limitibus Scientiæ Statisticæ*”—“*La Théorie de la Statistique*”—“*La Science des Finances et de l'administration.*”

confusion, and that not a small one, cut off. The author of a statistical work is not to impose upon the reader either the labour or the risk of converting pounds into dollars, or francs into cents—or perhaps commit the grosser error of forgetting the necessity of doing so, by mistaking a £ for \$. Neither is he permitted to say, as Mr. Pitkin does, p. 5, in reporting the decision of the King of the Netherlands on the question of our North-Eastern boundary: "The territory of the United States shall include said fort at Rouse's point, and its kilometrical radius (*rayon kilometrique*)."

Now, we ask what is the kilometrical radius of a fort? what is meant by its radius at all? and why is the original French annexed—to increase, or at any rate suggest obscurity? In a popular work like the present, the whole should have been made simple: the French kilometre being reduced to English measure (about 1,000 yards,) and the radius of a fort explained as the technical term for its jurisdiction—a thousand yards being taken as the ordinary range of shot.

But we delay too long from the examination of higher questions. The work opens with an historical sketch of the manner in which the present extent and boundaries of the United States have been acquired and ascertained, involving as usual litigations with our neighbours Spain, Russia, and England. Among these disputed questions we shall touch but upon one, that respecting our North Eastern boundary, between Maine and New Brunswick—a question which is growing every day more difficult of settlement, through the increasing value of the tract in controversy, estimated at about six millions of acres. This opinion of its difficulty has been recently greatly strengthened in our minds, by a reference to the original maps and documents of the Commissioners, to which we have been permitted access. We will not here trouble our readers with either facts or argument from these voluminous papers, but merely observe, as the result of their perusal, that the contest is one to which we can now see no reasonable termination, inasmuch as every principle of settlement has already been tried, and tried in vain. *Argument* is on our side—*possession* is on theirs. We plead the *letter* of the treaty—they argue upon its *spirit*. We *cannot* recede, for our rights are strong, not to say conclusive. They *will not* recede, inasmuch as the security of their provinces is involved in holding it. To us, the tract in dispute is valuable territory; to them it is more—it is the bond of union between separated provinces. Under these prevailing motives to mutual pertinacity, all attempts at diplomatic settlement have thus far failed; they were tried after the peace of 1783—again in 1798, under the provisions of Mr. Jay's treaty—and finally, under commissions issued in accordance with the pacification of Ghent in 1815. One hope yet remained—a reference might cut the Gordian knot which argument could not untie, but unfortunately the

reference agreed upon was without final powers. The King of the Netherlands was chosen as an umpire, not a judge, and his modified decision, consequently, not binding upon the parties—so that all the preliminary labours of this commission also, are now to be added to the bootless mass of previous documents. The matter now stands where it stood before and at first. Possession and state necessity on one side, against strong and clear claims on the other. That the Senate of the United States was justifiable in its rejection of the royal arbitration, there can be no question, for the King arbitrated in a matter not entrusted to him. Whether equally prudent, may perhaps be doubted, at least by us who are lovers of peace. The new line given by the King, viz. the deep channel of the St. John's, is a partition of the matter in dispute, giving to each party what each most coveted—to us the larger and more valuable portion of territory—to the British the north bank of the river, where the road runs from Quebec to the lower provinces.

Before closing this subject, we would add one word of caution to the reader of Mr. Pitkin's statement, not to puzzle himself by hunting among the rivers on the map for "the *Thalweg*," as he incautiously prints it, the same being but the technical term in continental diplomacy for the mid-channel of a stream, as its German derivation indicates.

Chapter II. is also historical; it relates to the colonial policy of Great Britain, in its operation upon us previous to the Revolutionary war—to the disastrous financial condition in which that war left us, and our distracted councils kept us, until the adoption of our present Constitution, 4th March, 1789. "Since that auspicious period," says Mr. P., "the United States have peaceably acquired, as before stated, a vast amount of territory: and the following pages will show, we trust, (why trust?) that no country has ever increased more rapidly in population, and in internal and external resources." The first lesson to be learned from our colonial history, is the folly of that system of monopoly by which colonial nations have sought to appropriate to themselves all the profits of the trade. "While in a colonial state," says Mr. P., "the European commerce of the Americans was confined to Great Britain, and that part of the continent of Europe which lies south of Cape Finistère." This matter deserves to be more exactly stated—we therefore add—under the navigation act of 15 Charles II.: "No commodity of Europe to be imported but from England, under penalty of forfeiture both of ship and goods, wine from Madeira and salt from the islands, alone excepted." Again, "no plantation goods" (*i. e.* produce) to be "shipped except to England"—even that for Ireland to be "first landed in England, and there re-shipped." (See Ashley's *British Colonies*, 1740.) This tyranny, which had been mitigated under fear of the French, was rigidly enforced after the peace of

1763, and at length paved the way for the war of the Revolution. Now, this was a policy which the English acknowledged to be selfish, but still maintained to be profitable—hard for the colonies, but very enriching to the mother country, who enjoyed the monopoly. But what says experience, that teacher of wisdom? It has identified, we may say, “profit of trade” with “freedom of trade,” and for ever put down this selfish policy of nations on the score of interest as well as humanity.

After a century of colonial monopoly, the exports from Great Britain to the colonies (now the U. S.) on an average of six years ending with 1774, amounted to but £2,732,036, or about \$12,000,000; and the imports from the same to £1,752,142, or \$7,700,000. What now has freedom done? Less than half that period (counting from the formation of our Union, when our trade was still smaller) has swelled the first item more than three fold, and the second more than four fold—our imports from England in 1833 amounting to \$37,845,824, and our exports to \$32,363,450. It is an old saying, that in custom-house arithmetic two and two do not always make four—we may here add to the paradox by showing how much greater the half of a trade may be than the whole. How this result comes out is very obvious. If the colonial trade were a fixed amount, then monopoly would doubtless be the most profitable system; but as colonies are to the mother country only a market, they consequently are valuable according to the amount they are able to purchase, and that amount is regulated by their own prosperity—so that whatever checks that, reacts with equal force on their oppressors.

By a singular coincidence, these principles of freedom were first taught in the mother country at the very moment the colonies stood up to fight for them—while the Bostonians were throwing the tea overboard, Adam Smith was throwing overboard the system that led to it, and exposing the financial folly of seeking profit from colonies by making them “sell cheap and buy dear”—the necessary consequence being to make them “produce less where they got less for what they produce.” To these truths even England, step-mother as she has always been to her colonies, is at length beginning to open her eyes; her recent Canadian policy evinces, as we shall hereafter have occasion to point out, that she now understands better the true value of productive colonies. In the mean time, our history, we may say, has settled for the world this great principle, that justice and profit go hand in hand, and that heaven has not divided the commercial interest of nations from their natural duties.

It is curious to trace from the data here given the effect which the war of Independence had within a few years upon our exchanges with England. In 1784, that is, the first year after the conclusion of the war, the returns stood as follows; they are taken

from the English custom-house books, for we had then no records of our own. "Imports into England, £749,345;" "Exports to the U. S., £3,679,467." And again, in the year 1790—"Imports, £1,191,071;" "Exports, £3,431,778." From these amounts we learn, first, the exhausted condition of our country from the war, an enormous import, and exports but to one-fifth of that amount, and less than one-half in value of what they had been ten years before; and secondly, we learn the still more important lesson, and one which we trust will not be too soon forgotten—how slow was our advancement, (if not absolutely retrograde,) until UNION had given us vigour. But to look at these statements in another light, as bearing again upon the colonial question. England chiefly valued her colonial system, as forcing us to buy from her instead of foreign manufacturers. She feared our independence, lest she should lose our custom. Now, what do we learn from the returns above given? Why, that she deserted our markets, and not we hers—sixteen years after the separation we are found buying from her to the amount of about \$4,000,000 *more* than we did before it, while she purchases from us at least \$2,000,000 *less*. Verily, one would think that the commercial shackles had been taken off from her instead of us.

Into our author's statements of the financial and commercial bankruptcy which marked the sad interval between the years 1784 and 1789, we have not time to enter, but again recommend their perusal to all nullifiers of that Union which saved us from them. They are justly and forcibly given, though the colonial part would have been improved by a reference to our own early writers—more especially to Governor Pownall's tracts, and the politico-economical pamphlets of Franklin. A country residence, we would take the liberty to suggest, is not favourable to an author's power of research. A *statistician* more especially, (we beg leave to adopt from the French a term long needed,) should live in libraries, and be surrounded by sources of information, living and dead, such as can hardly be found out of our great commercial cities.

We cannot pass by, however, one false point of political economy, to which, p. 31, our author seems to lend his sanction. "The influx of goods," says he, "*draining* the United States of a great part of the specie, *therefore* Congress in vain made requisition upon the states to *fill* the public treasury." The italics in this quotation are our own—we have marked them for condemnation. Does the wealth of the country, we would ask, consist in its specie? Are there fewer exchangeable values in it because we want the counters to mark them? And does our author mean that the treasury vaults were to be literally *filled* with that material commodity? Surely not—he cannot think so. But if not, why, by his language, give currency to such exploded prejudices?

Why add the weight of his name to errors which, however venial in theory, are yet fatal in their operation? It is this thoughtless adoption, we must say, of the language of popular error on the part of one whose word has weight in the community, that tends so long to perpetuate them—it chokes as it were the channels by which truth flows into practice.

From Chapter III. to Chapter VI. inclusive, is devoted to the main subject of the work—the trade of the United States, as exhibited in its exports and imports. In our examination we shall take up the subjects as they present themselves. Our author begins as is natural with the Exports. “At an early period of the present government, provision was made at the Treasury department to ascertain the quantity as well as value of all the Exports of the country; but in the general accounts no discrimination between the value of domestic and foreign articles, until 1802. To ascertain the value of the Exports, the several collectors were (then) directed by the Treasury department to add in their quarterly returns the quantity of the various articles exported, and also their value at the places of exportation.” P. 34. To this general statement we would only annex the names of the two secretaries to whose talents and labours we are indebted for the whole system—the fathers, as they may justly be termed, of this most important department—these are, Alexander Hamilton in 1791, and Albert Gallatin in 1802. To the first belongs the merit of adopting a system of accounts so simple and yet so efficient, that every departure from it has been found injurious—and in answer to a recent call upon the department, its various bureaux all united though without concert in recommending alterations, which, upon examination, were found to be but a return to what Hamilton had originally made it. This fact, though coming from a private source, may yet be depended upon, and is worthy of note, as tending to confirm our admiration of the varied talents of Hamilton, at once the soldier, the statesman, the jurist, the orator, and the financier. To Gallatin again we are indebted for the whole system of Treasury reports—an addition highly important as a means of information, and in a popular government invaluable as a source of public confidence. The knowledge obtained in English returns by the adoption of “official custom-house values,” he secured by a direct report of quantities, and by the classification again of the Exports of domestic origin into the produce of, 1. the Sea, 2. the Forest, 3. Agriculture, 4. Manufactures—he gave to that branch of the subject a clearness and simplicity which its multifarious character greatly needed. We would further add, on private authority, that its adoption was the result of a visit made him in 1801, by that intelligent traveller, Alexander Humboldt. The method adopted by him to simplify to a foreigner the subject of our Exports, has been the means of making it clearer both to citizen and foreigner ever since.

1. *The Products of the Sea.* Our great fisheries are cod and whale, to which may be added the Seal, though not here enumerated by our author. Scientifically speaking, neither it nor the whale are *fish*—yet in common parlance we know not where else he would place it. Of all departments of American enterprise, none strikes us with greater admiration than that of the pursuit of the whale. The length and distance of the voyage, the peril of the occupation, the hardihood it demands amid frozen seas and on rocky, unknown coasts—and then when we regard the character of the men who engage in it—not the reckless, drunken sailor, but men prudent and temperate as well as brave, all having a stake and share in the common success; carrying out with them nothing but their own brawny arms, and bringing back loads of wealth to the value of at least \$4,000,000 per annum; when we look too at the barren rock or beach of Nantucket or Martha's Vineyard, that sends them forth, and then learn that they have almost driven from the trade all foreign competitors, it is not easy to set bounds to our estimate of American enterprise and hardihood. Verily, if with Hobbes, we term the sea and land “the two breasts of our common mother,” we must admit that we her children have sucked thereout, from one at least, no stinted nourishment. Of this trade Mr. P. gives an interesting sketch. It commenced in the island of Nantucket, in boats from the shore, as early as the year 1690. At that time, the whale was their neighbour, for he knew them not as an enemy. Now they must search for him in his hiding-places, under polar ice. In 1715, six sloops of thirty-eight tons each were employed in the fishery from that island. For many years these adventurers were confined to their own coast; but as whales grew scarce, which was about 1750, their cruises were extended first to the Western Islands, then to the Brazils, and at length in our own day to the Northern and Southern Oceans. The annual produce of this fishery before the Revolution amounted to \$1,160,000. During the war it was totally destroyed. On the return of peace it recovered by degrees, until it now stands reported by our author as follows—

381 ships, 50 barques, &c. engaged in the fishery, value \$10,130,000.
Tonnage, 136,000, being one-tenth of the whole tonnage of the United States.

Whole number of men employed, 10,900.

Value of oil, whalebone, &c., from \$3,500,000 to \$4,000,000 a year.

Enormous as this statement of our author appears of a form of American industry, of which we see and hear so little, we must raise it yet higher. On reference to the Congressional documents of the present year, more especially to the report of Mr. Pearce, (H. of Rep. Feb. 7, 1835,) in favour of a government voyage of

discovery into the high southern latitudes frequented by the whalers, we find the following estimate given of the present amount of the trade.

From New Bedford, Nantucket, and New London alone,									
tonnage,	-	-	-	-	-	-	-	-	132,000
Men,	-	-	-	-	-	-	-	-	10,000
Including the more recent ports that have entered into it, together with the oil ships that transport the same to Europe,								} tonnage, 170,000	
								} men, 12,000	
Capital invested,	-	-	-	-	-	-	-	-	\$12,000,000
Annual value of proceeds,	-	-	-	-	-	-	-	-	4,000,000

Thus making the tonnage employed one-eighth, instead of one-tenth of the whole. A fact also recorded in the report alluded to is worthy of remark—it is, that no whaling ship has ever been lost in doubling Cape Horn; the source of their security is evidently the character of their men. They are temperate as well as skilful. Out of 181 whaling vessels sailing out of New Bedford in April, 1834, 168 carried no spirituous liquors except for the medicine chest. Three-tenths of the earnings of the ship are the share of the seamen. This too adds to their security. How near we come to a monopoly of these hazardous voyages may be judged of by the fact, that the whole number of British vessels employed in the whale fishery in 1830 was less by 60 than sailed out of the single port of New Bedford; the former being 121, the latter 181.

In the search for the Seal also, American enterprise stands conspicuous if not alone. It is carried on mainly by the inhabitants of Stonington, a little village in Connecticut, the very name of which is scarcely known beyond the limits of the state. In their little barques, from fifty to eighty tons, these hardy and adventurous men push their way through mountains of floating ice, to find the object of their search in the highest Antarctic latitudes, amid all the perils of an unknown and hazardous navigation. But their zeal has already greatly exhausted the supply. About thirty years ago, when the business was at its height, seal skins were taken to Canton, which was their great market, to the annual value of near \$400,000—at present it is greatly diminished. Nor is the cod fishery by any means of the same relative importance it once was. At the period of the Revolution it was struggled for as a vital question, as one of the great staples of our country. At present among our exports it stands in a low rank, having fallen off instead of increasing during the last forty years, the export in 1833 being less than in 1791, and not one-third of that in 1804. All this, however, is but a question of export—perhaps, after all, we love the fish too well at home to let it go abroad. This we acknowledge is but a *guess*—the amount consumed not being given.

2. *Products of the Forest.* "Lumber of various kinds, naval stores, pot and pearl ashes, skins and furs, ginseng, oak bark, and other dyes, constitute what are usually called the products of the American forest." The exportation of lumber from a wooded country must obviously have commenced with the first settlements. As with other forms of raw produce, it is a trade which grows up to a certain point, and then decreases with the increasing wealth of the country. This phenomenon is clearly seen in the case of lumber. In 1770, the official value exported amounted to \$686,588—from 1803 to 1807 was its maximum—it then averaged over \$2,500,000 per annum; while from 1820 to 1830 it has averaged only \$1,784,000. With naval stores also the principle is the same, though the amount of those exported is more variable, as being dependant on the political relations of Europe. For a state of universal peace, our exports during the last few years have been extraordinarily large, which looks at least like prospective wisdom on the part of our foreign purchasers. It is worthy of note, that our maximum shipment of naval stores took place in 1811, slipping out in breach of our non-intercourse laws, and supplying doubtless the means of a naval warfare against ourselves.

In 1770, the value exported amounted to \$144,000—from 1805 to 1811 it averaged about \$500,000—from 1820 to 1830, a little over \$400,000. Pot and pearl ashes before the Revolution were encouraged by bounties from the government, and stimulated by premiums from learned societies. Under this patronage the export amounted in 1770 to \$290,000. Since that time, the arts and freedom have been their only patrons, and yet the export of them has continued to advance—the average from 1803 to 1807 being about \$914,000, and from 1825 to 1830 about \$1,164,000—for the last four years, however, it has not reached that average.

For furs and peltry our country must now be considered rather as a place of transit than the source of supply—Canada and the Hudson Bay Company's regions furnishing the forests whence they are all derived. The quantity and value, however, is considerable. In 1770, the export from the colonies (Canada included) amounted to \$670,000—from 1804 to 1807, \$823,000—from 1820 to 1830, about \$600,000—while the recent fashion of furs has, among other causes, again swelled the supply of 1833 to \$841,933. Ginseng is a root which possesses, it appears, a flavour highly grateful to a Chinese palate; now, China is a country where a popular taste creates a large market; the result is, that we annually ship of this innocent vegetable to that country to the value of about \$150,000—in 1833 it amounted to \$183,194. Oak bark and our other forms of tannin, judging from the tables, must have been always "a feast or a famine." In 1803, the export amounted in value to \$225,000; five years after it had sunk to one-twenty-fifth, viz., \$5000. In 1813, it stood \$118,000—the next year

\$3000, being one-thirty-ninth; the following year it bounded up to \$336,000, being its former amount 112 times told; and last year, 1833, appears in the more moderate amount of \$93,609. That such in truth was the state of the trade, we happen to know from sad experience—part of our paternal funds having been once locked up in the form of a cargo of quercitron bark, (a species of oak bark used by manufacturers as the basis of most of the fancy colours,) which, after being stored six months in Liverpool, was sold for expenses, and threw more than a dead loss upon the shipper.

3. *The Products of Agriculture.* "The principal employment," says Mr. P., "of the inhabitants of North America, has been that of agriculture. The first emigrants soon found that nothing promised such immediate and permanent advantages as the cultivation of the new lands they came to possess. The labour bestowed in clearing and cultivating them, afforded not only the surest means of subsistence, but added greatly to the permanent value of the lands themselves. The vast tracts of vacant and uncleared lands in the United States, have always rendered it easy for those possessed of an ordinary share of industry, to obtain more than enough for cultivation. The facility of supporting families has induced early marriages, population has increased with the means of subsistence, and wealth, as well as health and happiness, has generally attended the independent cultivation of the soil." This is a pleasing picture, justly conceived and well told. We wonder, after writing it, our author could find in his heart to urge, as he afterwards does, that high tariff policy which would convert such a population, before their time, into the inmates of crowded factories, where health and enjoyment, if not patriotism and virtue, are robbed of one-half, at least, of their natural sustenance—"pure air by day, sweet sleep by night." The language of Franklin on this point, is that of indignation at the prospect: "No man (says he) who can have a piece of land of his own, sufficient by his labour to subsist his family in plenty, is poor enow to be a manufacturer, and work for a master." (Pamphlet on Canada.)

The productions of Agriculture have been classed into

1. Vegetable—as wheat, flour, rice, &c.
2. The products of animals—as beef, tallow, &c.
3. Tobacco. 4. Cotton. 5. All other vegetable products, as indigo, &c.

Of these we will note but the leading condition.

Wheat was introduced into America by the first emigrants. It has in truth been the companion of civilized man in all his wanderings, wherever the climate would admit of its cultivation—it came with him from the central plains of Asia, where alone it still is found native, and will doubtless continue with him to his journey's end. Wherever the choice can be made, we find it always

preferred as the staff of life, and we count it no small blessing of our own country, that it is so widely and happily fitted for its growth. Of late years its cultivation has extended greatly in the South, by the conversion of tobacco lands; while in the Eastern states, on the contrary, it is gradually wearing out from failure of crops—one cause, doubtless, among others, that has led or rather driven New England into manufactures. In 1770, the export from colonies, now the United States, amounted to \$2,862,190. The maximum of shipment was in 1811, in anticipation of the war, and in 1817, two years after it. In the latter year it amounted to the enormous sum of \$17,968,272, an estimate arising partly from quantity, but principally from price—in 1833, it was but \$5,642,602. The small amount of this staple of our country exported, affords, as we all know, a never ending theme of vituperation against England because she will not buy it, and of persuasion to domestic manufactures, in order that we may ourselves consume it. Now, we are advocates neither for corn laws nor high tariffs; but we would merely hint to such American reasoners, that the two branches of their argument do not well hold together. To ask protection for domestic manufactures *because* England excludes our corn, is to make the existence of one bounty the reason for a second. British corn laws are in themselves a direct bounty upon American manufactures. 1. By raising there the cost price of the manufactures they send us—and, 2. By diminishing here the profits of agricultural capital, and thus throwing both it and the labour it supports, upon manufactures for employment. In fact, the strongest case for aid to our own manufacturers, would arise upon the removal of these very laws, the existence of which they now most absurdly urge as their argument.

Many, too, complain of these corn laws of England as if they were acts of hostility directed against us; this, too, is ignorance or worse, for not only were they in existence before we ourselves were, but as a matter of right, we have no business to look into the question. If England chooses to raise her own grain instead of buying ours, it is her own look out. We have no more right to quarrel with her for that, than that she prefers barley bread to Indian corn. If we once claim a right to look into these matters, where shall we stop? and how endless will be our subjects of complaint? The drawbacks paid by that government to her manufacturers, amounted in 1828 to near \$14,000,000—\$7,000,000 on cotton goods alone, than which there cannot be a more evident and direct blow at all foreign manufacturers of the same goods. Yet who thinks of making this a subject of complaint? surely none. Let, then, educated men hold sound language on these points, in the hope that the uneducated may in time learn wisdom, nor think that one nation has any right to look into the municipal regulations of another, in the way of complaint. Equal privileges with other

foreigners we have a right to demand, if we are willing to reciprocate; but all within is a mere matter of expediency, in which every nation is "*sui juris*." England has a full right to say, "we will eat dear bread;" and we have an equally full right to reply, "we will therefore wear dear cloth." Neither has any right to quarrel with the other, but in the meantime the economist may be permitted to wonder at both. On this point we will pause a moment longer. As to the facts of the case. Many argue as if England were a great manufactory, and all its grain a forced cultivation, which would sink at once, if her ports were opened to our cheaper corn. Now this is not so. England, with her fertile soil, and skill in husbandry, is one of the greatest natural wheat growing countries in the world; and on the memory of those who have travelled leisurely through her borders, the image that rests is rather of golden harvests than of smoky workshops—of a farm than of a factory. In good seasons she feeds herself, sometimes even exports grain, and seldom falls below ten days or a fortnight's deficiency. It was war, and the waste and famine that war brings, and not the open ports of England, that once and again have swelled our exports of bread stuffs to two and three times its present amount; but then war and famine in Europe are sources of prosperity to us, which we ought not to desire, and certainly have no right to demand.

The ten years, from 1803 to 1813, give, as the value of wheat and flour exported, \$99,021,000; those from 1820 to 1830, scarcely above the half, \$50,351,343.

Rice. The introduction of rice in our country, as given from Ramsay, is interesting, as showing how "great things oft' spring of small seed." "Langrave Thomas Smith, who was governor of the Province (South Carolina) in 1693, had been at Madagascar before he settled in Carolina. There he observed that rice was planted, and grew in moist and low ground. Having such ground at the western extremity of his garden, attached to his dwelling house in East Bay street, he was persuaded that rice would grow there, if seed could be obtained. About this time a vessel from Madagascar being in distress, came to anchor near Sullivan's Island: the master of the vessel inquired for Mr. Smith, as an old acquaintance—an interview took place. In the course of conversation, Mr. S. expressed a wish to obtain some seed rice to plant in his garden, by way of experiment. The cook being called, said he had a small bag of rice suitable for that purpose. This was presented to Mr. S., who sowed it in a low spot in his garden, which now forms a part of Longitude Lane. It grew luxuriantly. The little crop was distributed by Mr. S. among his planting friends. From this small beginning the first staple of South Carolina took its rise."

Of its rapid extension we may judge. In 1724, 18,000 barrels

of it were exported; in 1760, 100,000; in 1770, 160,000, valued at \$1,530,000; in 1833, 144,163 tierces, valued at \$2,774,418. Of our native grain, viz. Indian corn, or maize, the exportation has diminished from almost the formation of our government. Its value in 1803, the first year that returns were taken, amounted to \$2,025,000—1833, to \$871,814, being but two-fifths of what it was thirty years before. The aggregate value of all exports, the produce of agriculture, shows a similar though not equal diminution. In 1802 it amounted to \$12,790,000; in 1817, its maximum, to \$22,954,000; in 1833, to \$9,839,468. The causes of this decline are obvious and natural: in Europe, universal peace instead of universal war; and at home, our own consumption multiplied to a ten-fold degree. A corn growing country, we should remember, is not necessarily a corn exporting country; new settlers are always consumers before they are producers; thus at the present moment we see wheat higher in Illinois than in New York, and many of the richest agricultural counties in all the States are importers instead of exporters of it.

Tobacco is another export that has not held its own; equal perhaps in quantity but not in price, and in ratio of importance greatly inferior to what it once was. It augurs well, (at least for the world at large,) when physical stimulants begin to find a narrower market. To the savage they are the only temptations that can rouse him out of his natural apathy—to the half civilized man they are the indulgences of habit—the educated man learns at length to despise them. How greatly, for instance, has the spice trade of India lost its relative importance. Tobacco sunk from being a staple—and last and hardest of all, ardent spirits begins at length to give way! Thus does man rise, step by step, while tea and coffee take the place of rum and tobacco. Of this intoxicating weed imported into England along with the potato, we remember to have seen the assertion that it had made the circuit of the globe before the potato had crossed the channel; but if so, the race we now see is not always to the swift, and the potato is yearly extending its dominion in the face of the receding fumes of its rival. Before the Revolution, it constituted about one-third of all the exports of the British North American Colonies; while the average of ten years, from 1820 to 1830, makes it but about one-ninth of the domestic exports of the United States alone, being in value about \$5,500,000.

Cotton. We now come to the most valuable by far of the exports of the United States, or in fact of any other country, and one that has grown up with a rapidity altogether unprecedented. No country in any age ever possessed so valuable an export; and no material for manufacture ever spread so rapidly and so widely, as this has done within the last forty years. In this there is something very remarkable, for neither the material nor the manufac-

ture is of recent date. The plant itself (*Gossypium*) is common to the tropical regions of both the old and new world, and so "native to the loom," that it was among the earliest of raw materials employed in manufacture. It is enumerated among those of India by Herodotus, the earliest of profane historians; it was one of the few found by the Spaniards among the Mexicans and Peruvians; and one of the first taken up by European settlers in their Southern colonies. Yet for all this, the miracles it has wrought are all within the memory of the living generation. Soon after the peace of 1783, a little was shipped from Georgia; but until 1793, this export was confined to the "Sea Island," "black seed," or "long staple" cotton, the cultivation of which was necessarily very limited; the "green seed," "short staple," or "upland," as it is now called, which would grow any where, being comparatively worthless, from the difficulty of separating the staple from the seed. The celebrated machine of Whitney at once overcame the difficulty, and cotton sprang up to take place with steam and printing, in revolutionizing the world. Of such a benefactor of his age and country, it is painful to add, that neglect if not penury was his portion: \$50,000, given him by the state of South Carolina for his machine, was expended in maintaining his patent rights in Georgia, where it was chiefly needed. Against these encroachments a tardy decision at length secured him, but not before thirteen out of his fourteen years of patent right were expired; and after a few ineffectual struggles to obtain a prolongation of the term, he died a broken-hearted man, poor in the midst of that wealth which he had himself created. Such is too often the fate of scientific genius. With all the patronage of the law, it is hard to guard what nature has not guarded—an invention once known is equally the property of all, and is gone from its possessor for ever.

The results of this machine in extending the cultivation of cotton, are among the marvels of the nineteenth century. In one year it quadrupled the export. Within thirteen years, 55 millions of pounds of upland cotton alone were exported, valued at \$11,500,000. On an average of four years from 1827, 270 millions of pounds, valued at \$24,000,000. In 1833, 314 millions of pounds, valued at \$32,000,000, to which is to be added above 100 millions of pounds manufactured during the same year within the United States. From the year 1794, the first of the use of this machine, the export has grown up two hundred fold; and from 1792, two years before its invention, 2300 fold; that is, at the almost incredible average annual growth of fifty-five times its original amount. For this immense export England and France are our great markets, in the ratio however of three and one—England taking, in 1833, to the value \$26,253,205, and France to the value of \$8,845,359. The advance of France is, however, in a greater

ratio than that of her rival. Since 1800, her consumption has increased ninety fold, while that of England has not quite reached twenty fold. Taking a later date, however, the ratio stands otherwise. From the year 1821, England's consumption has grown to a treble quantity and a two-fold value; while that of France has advanced also to twice the value, but only to two and one-third in quantity. The reason of this last disparity is to be found in the different proportion consumed in the two countries of the finer staples. It is worth comparing also the influence of price on the custom-house returns. The amount shipped in 1825 is just about one-half of that in 1833, and yet the value of that half crop was greater than that of the whole. It may be a question, however, in that disastrous year who paid the difference.

Manufactured articles begin now to constitute a large and important item in the exports of the United States, standing second in value only to agriculture. Of these, previous to 1826, the general value alone was ascertained, distinguishing only whether of foreign or domestic materials. Since that period, the value of the several articles has also been ascertained and entered. Looking to the general result, the exports of 1833 stand as follows: of the sea, \$2,402,469; forest, \$4,906,339; agriculture, \$55,343,421; manufactures, \$6,923,922: making—domestic origin, \$70,317,698—foreign, \$19,822,735: total value, \$90,140,433.

That our foreign readers may see that we are still going on, we subjoin the estimated report of 1834, which is not yet authoritatively published.

	Domestic.	Foreign.	Total.
	\$ 74,440,429	\$ 22,874,295	\$ 97,318,724
Increase,	\$ 4,122,731	\$ 3,051,560	\$ 7,178,291

Of imports and exports of Specie, our custom-house took no account until 1821. Since that time, they are regularly reported, and by the information they give have tended to dissipate many idle fears and false prejudices. The average up to 1831 stood thus: import about \$ 6,500,000, export about \$ 6,750,000, the surplus being in the light of a profitable manufacture from our own mines. Since 1831, our import has increased and our export decreased. In 1833 it stands—import, \$6,624,261; export, \$2,218,080. To this statement of our author we may now add the Secretary's report for 1834, ending 30th September, as reported to Congress.

	Gold.	Silver.	Total.
Imported Bullion,	\$ 330,308	\$ 419,264	
Specie,	3,147,799	14,088,439	
	\$ 3,478,107	\$ 14,507,703	\$ 17,985,810

	Gold.	Silver.	Total.
Exported Bullion,	\$ 12,681	\$ 2,591	
Specie,	248,190	1,727,995	
	<hr/>	<hr/>	
	\$ 260,871	\$ 1,730,586	\$ 1,991,457
	<hr/>	<hr/>	
	Balance retained,		\$ 15,994,353

Of the quantity and value of gold and silver consumed in the arts and domestic manufacture, it is not easy to arrive at any sufficient data; the amount is, however, greater than would at first be imagined. From personal inquiries, we would mention the weekly consumption of gold by a single manufacturer in New York, as rising \$1000.

Chapter VI. treats generally of the foreign commerce of the United States, and opens with an examination of the Treasury mode of estimating our imports and exports. This leads to the vexed question "of the balance of trade,"—"which hitherto," says Mr. P., "has so much puzzled economists as well as others, and is indeed so difficult to solve." Now in the present state of knowledge this is hardly fair towards his inexperienced readers, still less to darken the matter further as he does, by stating one of these ordinary custom-house puzzles, with the grave question annexed—"Is this balance for or against the United States?" Now we will take the liberty to give as our answer, "neither." The balance stated as a difficulty is but one of account, and indicates to the United States neither profit nor loss. On this point we recommend to our author the opinion of Whately, late Professor of Political Economy at Oxford, and one of the clearest-headed reasoners of the present day. "The question of the balance of trade," says he, "has for centuries done more, and perhaps for centuries to come will continue to do more, to retard the improvement of Europe, than all other causes put together." (Lectures, &c.) But as this seems settling the whole question rather cavalierly, we will explain in few words how this matter strikes us.

(1.) As a general question, taking in a series of years and all the nations with whom we have commerce, there is no such thing as a permanent balance of trade either for or against the country—it is a mere question of figures and custom-house books. If asked for proof, we refer to the essential principle of all trade, that it is an exchange of equivalents, and consequently that imports and exports must in the long run *balance*, and as a matter of fact we refer to the present condition of our own country, which through its whole history both colonial and independent has always had this nominal balance of trade against it. It was this fact which first startled Adam Smith, and at length opened his eyes to the true nature of this mystery. (2.) As a national question, with any

single foreign power, such a balance may unquestionably permanently exist, as it does in fact between this country and England, that balance being made good by our shipments to other countries. But here again we deny the propriety of the terms, and protest against the inference drawn from them, as being "for and against," "favourable and unfavourable," the one side of such account being fully as profitable as the other. The proof of this is also conclusive. The merchant, for instance, who ships cotton to France, and sells a bill on London, is making an equal profit, and but an equal profit, with him who imports from England and buys his neighbour's bill to pay for it. (3.) Again, as a question of national imports and exports, for a single year there may be and probably always is a balance either one way or the other; but here also we deny any power of drawing an inference either "favourable" or "unfavourable," since taken in this light it is but a mere question of credit and book account, showing a balance sometimes on the "Dr." sometimes on the "Cr." side of the ledger; but whichever way it lie, it is in either case a matter of mutual convenience and common interest, the balance of one year being probably reversed by the operations of the following. And lastly we would add, as the only important view of the question, that while we reject the "balance of trade" when applied to national prosperity, yet to individual interest we not only admit its existence, but maintain it is that upon which in every foreign commercial operation market prices are dependant, and consequently the merchant's profit on the transaction. But then we say, that to arrive at the knowledge of this actual balance, we must look, not at custom house returns, but at the price of bills, that is, at the comparative value of money on the two sides of the Atlantic. *Bills of exchange*, therefore, and not custom-house returns, are the true barometer of commerce, and they alone teach "the balance of trade," in any rational and available sense, and that is the balance or comparative amount from week to week between exports and imports, or rather between shipments and orders—thus enabling the merchant to know into which scale he is to throw his weight for profit. Beyond this, we hold "the balance of trade" to be a mere matter of moonshine. Here, however, we must add, that this presumes a sound currency—one in which paper money rests upon so extended a metallic basis as not to be sensibly affected by a moderate shipment of specie. If the first dollar demanded from the Banks is to cause a general panic and diminution of commercial discount, why then we acknowledge the national balance becomes a more ticklish matter, and we must guard it as a man would a sore leg in walking; but still that proves, not that walking is a dangerous operation, but only that the man's leg is diseased and should be cured.

The principles adopted by our government in the official returns of the custom-house, are perhaps the best of any commercial

nation—certainly superior to those of England. The system, however, has been matured by degrees. Prior to 1821, the value of the exports alone was returned. Of imports, articles paying *ad valorem* duties, the collectors returned the *value*—of all others, whether paying a specific duty or free, they returned the *quantity*. In 1820, the Secretary of the Treasury was directed “annually to prepare statistical accounts of the commerce of the United States with foreign nations, including the *kinds, quantity, and value*, both of the imports and exports, and also of the navigation employed in foreign trade. The *exports* to be valued at their cost or real value at the *place of exportation*; the *imports* at their cost or worth at the *foreign ports*, from whence they were exported for importation into the United States.” Of these official returns we are far from undervaluing the importance; we only protest against conclusions occasionally drawn from them by our author, in a matter upon which they do not afford all the data; as, for instance, what (even under our accurate system) becomes of the surplus freight carried by our merchantmen in the direct trade, and the whole proceeds of the carrying trade? Here certainly is an import without a corresponding export. How, too, does the account of our fisheries stand? carrying out nothing and bringing back millions. But we must not again enter on this subject. To those familiar with the present distribution of our foreign commerce, it is curious to compare it with the earliest Treasury report of the year 1792.

Exports to Spain and her dominions,	\$ 2,005,907
Portugal and do.,	1,283,462
France and do.,	4,698,735
Great Britain and do.,	9,363,416
Denmark and do.,	224,415
United Netherlands and do.,	1,963,880
Sweden and do.,	47,240
	<hr/>
	\$ 19,737,692
	<hr/>

Imports from the same countries.

From Spain and her dominions,	\$ 335,110
Portugal and do.,	595,763
France and do.,	2,068,348
Great Britain and do.,	15,285,428
United Netherlands and do.,	1,172,692
Denmark and do.,	351,364
Sweden and do.,	14,325
	<hr/>
	\$ 19,823,030

The imports of 1833, the last reported by our author, stand thus: Imports, \$108,118,311; Exports, \$90,140,433—Exhibiting, according to the “balance of trade” reasoners, the alarming amount of debt against us of near eighteen millions of dollars. Of these worthy gentlemen we are sorry still further to increase the fears, by adding that the recent Treasury report of 1834 gives a still more melancholy picture, viz.,

Imports, \$123,093,351.

Exports, 97,655,321. Balance against U. S., \$25,438,030.

Our increase of imports being \$14,101,541; of exports, only \$6,655,321. Of the commerce of the port of New York an estimate may be formed from the following items:

	1833.	1834.	Increase.
Imports.	\$ 60,944,400	\$ 76,875,365	\$ 15,930,965

Estimated return of year now closing, \$100,000,000; giving a further increase of more than \$23,000,000.

In the scale of our foreign commerce, that with Great Britain ranks first, both in extent and value. From 1783 this trade was unregulated by treaty, until 1794. The commercial part of that compact expiring by its own limitation in 1804, it again stood without any permanent provision until 3d July, 1815, when an equalization of duties, for which the British government had long been pressing, between the United States and their dominions in *Europe*, was finally on our part acceded to. The wealth mutually resulting from this good understanding, and the enormous interchange to which it has led of mutual labour, greater unquestionably than the world has ever before seen between two independent nations, must make every lover of his country and of man pray for its long continuance. The dependence created by it is mutual as the benefit is equal, and woe, we say, betide him, who through rashness or ignorance would break that golden bond.

Of the sum total of our exports Great Britain and Ireland take about one-third, while of the sum total of our imports they furnish even more than that proportion. We are, in truth, their best customers, as they are ours. Of their manufactured exports, on an average of the years 1827, 1828, 1829, the United States were the purchasers of one-fifth of their woollen, one-third of their linen, one-fifth of their hardware, (in 1832 of one-half,) one-fourth of their silks, and one-tenth of their cotton goods. This last item may from its smallness excite surprise; still more perhaps that we are far from being in cottons her greatest customer. In 1829, Brazil purchased to more than double what we did. Of all the exports of British produce and manufacture, full one-half in value consists in fabrics of cotton, and of that raw material we supply three-fourths of the quantity she consumes.

With the British East Indies we continue to carry on a large but not increasing intercourse. The opening of that trade in 1788 deserves to be recorded to the honour of our rival, for the noble forgetfulness it displayed of past animosities. The ship *Chesapeake*, one of the first vessels that unfurled the American flag in the Ganges, was exempted by the Supreme Council of Bengal from all government custom; and orders were immediately issued by Lord Cornwallis, then governor-general, that American vessels should be treated at the Company's settlements in all respects as the most favoured foreigners. (Macpherson's *Annals of Commerce*.) Until the law of minimums in 1816, our imports from India consisted principally of low-priced cottons, and since that time of indigo and silks; the account being settled by bills, or paid on the spot in specie. Prior to 1821, the specie not passing through the custom house left the export returns almost a blank, as the adoption of bills is now doing a second time; and yet the trade as to profit is evidently unaffected by it. The entry of specie in 1821 mounted up our exports to India from \$200,000 to more than \$2,000,000; while the substitution of bills for specie, which commenced as a general system in 1823, as suddenly depressed them from \$1,930,376 to \$283,052.

As these changes illustrate some of the mysteries of "the balance of trade," we digress a moment to show their simplicity when fairly stated. Our trade with India and the East generally was long carried on by an export of specie, not, as most persons suppose, because there was a peculiar demand for the precious metals, but simply because there was nothing else our country could furnish for which there was there any demand. Specie they would take, because they could exchange—cotton, rice, &c., they would not take, having more than enough of their own; therefore, we sent them specie. The cessation again of the shipment of specie and the substitution of bills arose, not as such reasoners think, because India and China had enough of specie—for like other people they would be glad to have more, and as much as they could get—but simply again because their increasing consumption of British goods, especially of woollen cloths and of cottons, after the power loom had enabled the British manufacturer to underbid their neighbours, threw upon the East Indies a debt payable in London, being the surplus of British exports to the East beyond their imports from it. Under these circumstances, bills drawn by us payable in London became to the Calcutta or Canton merchant more acceptable than specie itself; because they paid the very debt for which such merchant would otherwise have to provide by a shipment of specie ten thousand miles off. Therefore it is that we now pay in bills.

There is something beautiful in the simplicity of thus maintaining and equalizing national exchanges by a few slips of commercial

paper. America consumes Chinese tea, the Chinese consume English broadcloth, and England consumes American cotton; and we settle the debts of all the parties, by simply directing the London merchant who owes us, to pass the credit from our account to that of the Canton merchant who owes him, while the Canton merchant takes from us that order as the most satisfactory payment of our debt. By the last advices, the price of bills in China, owing to the disturbed state of the English trade, bids fair to unsettle (though in the nature of things it can be but for a short time) this convenient and economical arrangement, and to call again for a shipment of specie. Our trade with the British West Indies opens for our readers a wide field of discussion: it has been a bone of contention ever since we were a nation; never regulated by treaty until four years since, and under that treaty worse than ever. It is perhaps the most tangled skein of our whole diplomacy, involving so many questions both of right, and expediency, and fact, and principle, that it is equally hard to understand and to settle. With these views, we are not likely to undertake the solution. The sole point to which our observations will tend is, to remove from our late able and honest negotiator (Louis M'Lane) the odium of a result now universally acknowledged to be the fact, viz., the comparative exclusion of American tonnage from this trade since the Convention of 1830.

The policy of the British government, as the owners of those colonies, has always been an obvious and natural one. It was to make them a source of increase to her own shipping, by confining the trade to British bottoms. The difficulty lay in the United States being the furnisher of what they most wanted. The object of the British government has therefore all along been, 1. To secure those supplies being carried in their own ships by excluding all foreigners from the islands; that is, to monopolize the *direct* trade: and, 2. To use this monopoly as a means of enlarging their *indirect* trade, by the advantages thus given to their own ships in the *circuitous* voyage between Great Britain, this country, and the West India islands. Simple exclusion of American vessels from their West India harbours was found not to effect it. Not only was the exclusion in great degree nominal, from the frequency of opening them under proclamation, but even when closed, the freightage still remained with us, and the greater loss was still upon themselves, in having to bring from the contiguous Danish islands of St. Croix and St. Thomas, supplies which they might have obtained cheaper direct from the United States. Under the treaty of 1830, the ports therefore were finally and permanently opened, on terms of equality, as to duties, charges, and *articles of import*, whether imported in American or British bottoms; our own ports, which had been previously closed, being also opened to vessels from her neighbouring North American colonies

on the same reciprocal terms. Under this Convention, the trade has taken a great and sudden change unfavourable to our shipping. The supplies we used to furnish direct to the West Indies, either to British or neutral ports, now go through the British North American provinces; and our equality of duties in West India harbours remains, as to all practical result, a dead letter. Now we say that this has followed, not from Mr. M'Lane's Convention, but from subsequent acts of the British government, over which we had and could have no direct control.

It is not her skill in diplomacy, therefore, but her wise and more liberal colonial policy, which has gained for her what she has so long fought for in vain—in vain, only because she held it in her own hands. By an act of Parliament, passed 1831, all duties were abolished in her West India ports, upon supplies in her own ships from her North American possessions; and this operated immediately as a bounty, which has proved effectual in drawing the course of trade through that channel. Now, we ask, would not this same freedom have given the same result before? and if so, is it just to charge it upon our negotiator? Viewing it as a national question, we are also clear that Great Britain has a perfect right to favour her own shipping in her own ports; and that any advantages which freedom there gives, are a matter of independent choice. We surely have no right to quarrel with England, because she has at length opened her eyes to the true management of her own colonies. If we have enjoyed any advantages from her past blindness, that is no reason why we should insist on her shutting her eyes again for our benefit. Our author, on the contrary, lays the blame upon the liberal construction given by our negotiator, and subsequently by our government, to the open phrase “admitted to entry,” as applied to British vessels from the North American colonies entering our ports. But this obviously is not the cause, since it is his own statement that the present course of the trade carries our produce first to those colonies, and between us and them there is under treaty a perfect reciprocity, so that if they have got the carrying of that produce, it is simply because—what is truly the fact—that New Brunswick and Nova Scotia have succeeded to our old trade of cheap “ship building,” and under the new and liberal policy of the mother country are growing as rapidly as we are. This, doubtless, is the true solution, and we who have fought and bled against colonial slavery are the very last who should murmur at the results of “colonial freedom.” On this subject, or indeed on any subject addressed to intelligent men, we protest against such slang as Mr. P. treats us with, (p. 205,) of “Brother Jonathan having been overreached by Father Bull,” &c. Now we happen to know, from private as well as public sources, (having been on the spot at the time,) that the negotiation

was conducted on both sides with the candour of gentlemen, as well as the skill of diplomatists.

The comparative diminution of our own tonnage in our own ports is unquestionably a startling circumstance, and one that deserves the careful attention of Congress. The result, however, of such examination would, we think, reduce the causes of it to the following, viz., a general spirit of improvement in the commercial policy of European nations, producing an increase of enterprise in their merchants and ship owners. 2. A state of universal peace, which has withdrawn from our merchants all those privileges which as neutrals we so long enjoyed; and 3. As regards British tonnage, the cheap (perhaps cheaper) ships which her uncultured American forests now enable her to build, together with the bounty offered to her colonial ship owners, by her West India ports being open to them duty free. The change is certainly too great for the single cause to which Mr. P. would assign it. Thus, from the tables of exported tonnage it would appear, that in 1830 foreigners enjoyed one-eighth of the whole carrying trade of the United States; and that in 1833, it had grown up to the alarming proportion of one-fourth.

In 1830, the whole amount of foreign tonnage entering our ports was 136,446; in 1833, 520,874. To this statement of our author we annex the following increase in the port of New York: British tonnage in 1830, 31,391; in 1833, 106,099. Besides, this increase of comparative tonnage is not confined to British. How does the West India question explain the growth of French tonnage? What would Mr. P. do with the fact, that the change of comparative tonnage in the French trade stands as follows:

		American Tonnage.		French Tonnage.
1824,	-	104,800	-	8,800
1833,	-	112,800	-	25,400

This immense advance, however, in British tonnage at least, we must remember is in some degree nominal. As the tonnage is reported on every entry, the short voyages of our northern neighbours swell the amount very rapidly. Thus, 97,669 tons is reported from Passamaquoddy alone, being near one-fifth of the whole. The only point in the West India matter, as it appears to us, in which we have a right to complain of the treaty—and that is due not to the treaty itself, but to the obvious misconstruction of our own government as to our rights under it—is this, the exclusion of foreign goods in American bottoms from the British West India ports, while they are admitted in their own. This equal privilege, under the treaty of 1830, we have unquestionably a right to demand. The words are—"terms of equality as to duties, charges, and ARTICLES OF IMPORT." Now this is so plain, that our only wonder is that our West India merchants sit tamely

under the exclusion. If, as individuals, they fear the risk, let them memorialize Congress, and this we trust they will do the next session.

We have enlarged on this subject for two reasons, partly as being the only point in which our comparative advance does not indicate the same relative prosperity, and partly in the hope of putting its causes in a juster light, and thus relieving from the odium of having caused it, one whom honour and talents have hitherto favoured more than fortune or arbitrary power.

The commerce of the United States with France is next in magnitude, though much inferior to that with Great Britain, being but about one-third. In 1833, the difference in favour of the latter in regard to exports was about \$18,600,000; and with respect to imports, exceeded \$24,000,000. Looking back, however, to 1821, both imports and exports with France have nearly trebled. As in all other cases, this commerce is mutually beneficial. Looking over the last "*Tableau General*" (1835) of the French custom-house, we meet with the following acknowledgement. "The United States continue to be placed far ahead of the nations with which we hold the most extensive trade." The same report informs us, that next to the United States in receiving the produce of French labour stands England—next in the amount sent her comes Belgium: the account of the United States stands thus—imports in francs, 97,079,212; exports in francs, 117,396,336—three-fourths of our exports in value being cotton.

With the French West Indies, so long as she had colonies, the United States carried on a large and lucrative business, from having the monopoly of their carrying trade, the French colonial policy being altogether governed by the interest of the planters, while that of England was equally so by that of her ship owners. This, doubtless, was one reason of the more flourishing condition of the French islands while they remained to her. The twenty years' war of her Revolution, however, swept them from her, transferring them, as we now find, to less liberal or accommodating hands.

With the free island of Hayti, though we would fain believe with an able champion* for Emancipation that the island is improving, we certainly carry on a smaller commerce than we formerly did, it being less than one-half in 1833 of what it was in 1823. To our trade with the Spanish peninsula a similar observation belongs; it is less now than it was forty years ago—in 1799 it was double of 1833. The explanation of this is doubtless to be found in the continental war, which from 1793 to 1815 made such large demands upon our farmers for grain, and our ship owners for freights. In 1817, therefore, the trade sunk to

* *Inquiry into Colonization*, by Hon. William Jay. New York.

what may be termed its natural level, since which time, our imports, the criterion of *our wealth*, have more than doubled; while our exports, the criterion of *their poverty*, have fallen near 40 per cent. It now stands thus: imports, \$1,144,508; exports, \$362,117.

With the island of Cuba a separate account has been kept at the custom-house since 1820. Our trade, indeed, well deserves it, since it now stands third in amount in the general scale, second only to that with England and France. It is a trade, too, of which we monopolize a large share. Of the whole amount of tonnage entering the port of Havanna in 1827, viz., 169,281, there appears "from the United States" 125,087. Here also, however, the reader must bear in mind the short voyage and consequently repeated estimate of the same vessel.

To Russia we send little and bring away much, our exports amounting rarely to one-fourth of our imports. In 1833, they exceeded a little that proportion, being—exports, \$703,805; imports, \$2,772,550. About a similar proportion holds with Norway and Sweden. This, however, again is reversed in the case of Denmark, where our exports far exceed our imports, being on an average ten-fold. To Denmark, therefore, we remit the means to make up the "per contra" with the other northern powers.

It is a little singular, that the very name of Prussia does not appear in our author's statements of American commerce, and whatever there is of facts relating to it, is to be found under the wide head of "Hamburg, Bremen, and northern ports of Germany." Regarding this omission as wrong, *politically* as well as *statistically*, we will take the liberty of enlarging a little upon the subject, rather, however, in its prospective character than its present condition, which unquestionably is of limited amount.

In the first place, regarding Prussia as the most liberal and enlightened nation on the continent of Europe, so far at least as policy is concerned, and advancing among the most rapid in wealth, population, and influence, we look forward to a proportionate increase of our trade with her. This has hitherto been impeded by the narrow policy of the smaller states around her, through whose ports or dominions her foreign trade had mainly to be carried on. All this is now done away. The "douanes" or custom-houses which once encircled her, have by her influence been removed; so that in trade all Prussia, Bavaria, Saxony, Württemberg, and most of the Grand Duchies and Duchies of northern Germany may now be considered as constituting but one large flourishing country—an empire in extent and population, and demanding for its rising manufactories the same raw materials with which we supply England and France, under the more favourable arrangement of our great staple, cotton, being "duty free." This trade, formerly circuitous and scattered, is now too beginning to concentrate itself upon Stettin, Memel, Dantzic, and Stralsund.

Now this concentration we regard as the first step in improvement of trade, a principle we have recently seen exemplified in our intercourse with France. Nor must the nature of our diplomatic relations be forgotten. Prussia was the first power with whom we, as an independent people, made treaty; and that treaty a model upon which all others should be made—liberal, benevolent, and just. This was in 1785; the same principles were recognised in its renewal in 1799, and more fully developed in the recent Convention of 1828. Our commercial relations with Prussia therefore now stand on the solid basis of freedom and equity, perfect equality of duties in the ports of each, and those the lowest that exist with any foreign power; and these rights untrammelled by distinctions of American for Prussian bottoms, or whether of direct or indirect importation; and to sum up this favourable account, the interests of the two nations are now represented by gentlemen* equally enlightened and liberal.

Upon our trade with China, though offering many important considerations, we must for the present forbear entering, and hasten to other matters of a more home interest.

On the subject of revenue, Mr. Pitkin's statements are interesting, and his views in general sound. The revenues of the United States, as is well known, have been derived principally from duties on imports and tonnage, and the sales of public lands. Direct taxes have been laid at four different times since the formation of our government, but soon discontinued, for the all-sufficient reason that the customs alone furnished more than was required by the expenses of government. In this point, the financial history of the United States is one "*sui generis*." A government embarrassed by its wealth, encumbered by its treasures, paying off its debt at the rate of \$ 10,000,000 a year out of its surplus income, and yet that surplus continually enlarging, notwithstanding all the reductions which could safely be made both in the price of its lands, and duties on foreign manufactures—and, to sum up the incredible narrative, the proposition at length entertained, that all its unsettled lands, amounting to millions of millions in value, should be for ever given up as a source of income, lest the government should absolutely burst through fullness of wealth:—all this, however familiar it may be to Americans, is such a statement as will not easily be credited or even understood on the other side of the Atlantic, though we will not say that the answer of the European statesman will be "*incredulus odi*"—"I hate and disbelieve it."

From some oversight our author has neglected, in his table of receipts and expenditures, to give those of 1833 and 1834. We annex them for the benefit of his readers, and add also the estimates of the Treasury for 1835.

* The Baron de Roenne, at Washington, and Henry Wheaton, Esq., at Berlin.

	Receipts.	Expenditures.	Surplus.
1833,	\$ 35,960,203	\$ 24,257,298	\$ 11,702,905
1834,	20,624,717		
Add surplus,	11,702,905		
	<hr/> \$ 32,327,623	25,591,390	6,736,233
1835—Estimated.			
Customs,	\$ 16,000,000		
Lands,	3,500,000		
Bank,	500,000		
Add surplus,	6,736,233		
	<hr/> \$ 26,736,233	17,000,000	

Leaving again, with all the reduction of duties, the *melancholy* prospect of near \$ 10,000,000 surplus in the Treasury on 1st January, 1836. What, we may ask, is to be done with a treasury that will thus overflow?

This brings us to the consideration of one of these refractory sources of income, viz. our public lands. How rapidly these appreciate after being brought under cultivation, may be judged of by the only official sources we possess, viz. the valuation of houses, lands, &c., in the years 1799, and again in 1815, at which periods returns were made under the provisions for a direct tax, the increase in this interval of sixteen years being \$ 950,293,806. The estimate that would now be given, we will not undertake to write down, but only give an idea of it by the assessors' returns of the value of real and personal estate in the city of New York, to which we happen to have access. In 1808, \$ 20,000,000—in 1834, \$ 200,000,000. The right of Congress to the disposal of these lands, and the nature of the trust under which they hold them, are questions our author treats at large with great perspicuity and justness. We shall not follow him in these, but content ourselves with adding a few statistic facts, principally of later date than what he has given, and bearing more directly upon their value as a source of revenue. The amount of wild land within the states and territories, is estimated at 340,871,753 acres. Beyond these limits, as far as the Mississippi, at 750,000,000 “

Making a grand total of 1,090,871,753 “

And this is but that part of the national domain that is held in trust. Beyond the Mississippi lies at least as much more, held *freely by purchase*.

The minimum price of this land was at first \$ 2 00 per acre,

payable in 30 and 365 days. In 1800 the credit system was adopted, and in 1820 abolished, the land debt due by individuals having grown up to the enormous sum of \$21,500,000. At the same time the minimum price was reduced to \$1 25 per acre, cash; under which rule all subsequent sales have taken place, though we perceive by Mr. Clay's bill of 10th December last, it is proposed still further to reduce the price of lands already in the market, according to the time they have been so, by a graduated scale down to twenty-five cents the acre. But notwithstanding all this, the amount received is continually running beyond calculation. Thus the receipts of 1833, from this source, were estimated by the Treasury at \$2,500,000; there actually came in \$3,967,682, as stated by our author, page 321; or rather to \$4,972,284, as given by the Secretary in his report to Congress 27th December last. The estimate of 1834, was \$3,000,000; the actual receipts of the three first quarters, as appears by the same report, amounted to \$3,076,475, which again would give over four millions for the year. Our author, as we before hinted, is by no means willing to resign the lands as a source of revenue, and suggests as proper objects for its expenditure, two of "paramount national importance—internal improvements, and the colonization of the free people of colour." In the first of these suggestions we cordially concur, on some such principle as that proposed last year by Mr. Clay in the Senate, dividing the proceeds or a certain proportion of them among the older states, with that view. As to the second proposition, we advise our author, before pressing it, to read in a work already referred to, the examination of that question by Mr. Jay—a work which, whatever may be thought of its expediency, is one which we do not hesitate to predict, will sensibly influence public opinion on that point.

The Post Office establishment, of which Mr. P. next gives the statistics, we confess ourselves patriots enough to be willing to pass over at present in silence, simply remarking that the business of the department has grown up as follows:

	No. of Post-offices.	Extent of Post roads.
In the year 1791,	89,	1,905 miles.
“ 1833,	10,693,	26,854,485 “

A fair sample of the growth of the country.

The history of the tonnage of our country is fully and ably given in Chapter VIII., though we would complain of much want of arrangement in the tabular statements, and some very great inconsistencies in them. The colonial part of this history tends to set in a still stronger light than already given, that "mean and malignant policy," as Adam Smith justly terms it, by which the mother country (as she loved to be called) sought to aggrandize

herself by starving her child. But the days of such political infanticide are, we trust, for the honour of humanity, gone for ever. "There is nothing," says Sir Josiah Child (1670,) "more prejudicial, and in prospect more dangerous, to any kingdom, than the increase of shipping in her colonies, plantations, or provinces." Upon this principle our mother country acted, and by this she drove into independence her unwilling child. There is no point connected with our commercial prosperity which has of late years been the subject of more speculation (to follow our author again to a subject already treated of,) than our comparative tonnage; and oftentimes—witness the report of the committee of the House in 1830—of more unfounded conclusions. The source of these errors lies mainly in want of attention to the various modes in which national tonnage is kept, but partly also in the difficulty of bringing them into fair comparison, even when such diversities are held in view. As the subject is one of much obscurity in the hands of our author, we would endeavour to simplify it by stating it thus. The tonnage reports of our own Treasury are three-fold:

1. Registered tonnage—that is, the actual tonnage of all vessels engaged in foreign trade.

2. Enrolled or licensed tonnage—that is, the actual tonnage of all engaged in the coasting trade or fisheries.

3. The annual amount of registered tonnage, on which duties are paid—which differs from the first report, by including the repeated voyages of the same vessel. This amount, therefore, is but nominal, and exhibits rather the nature of the voyages, and the frequency of exchanges, than the extent of shipping. This distinction has been already noticed in the case of Passamaquoddy.

A further source of obscurity in past tables, arises from the occasional correction of the two first named returns, by deducting the tonnage of vessels lost at sea, sold, or condemned. Such correction was twice made by order of the Treasury, viz. in 1817 and 1829, causing thereby a sudden contraction of the reported amount. Since the last date, however, such correction is made annually, and thus one source of error avoided.

In the British tables again, other diversities appear; so that until the estimates are reduced to what may be termed a *common denomination*, no fair comparison can be drawn between the respective tonnage of the two countries.

Taking the official returns as they stand, we cannot compare the registered tonnage, because in England all vessels over a certain size are registered; with us only those in foreign trade. Nor can we compare the licensed tonnage, because of the impossibility of separating in their returns the coasting tonnage from the foreign; as for instance, the frequent voyages of the coal vessels, which in the port of London alone add, it is estimated, 200,000 tons to the gross returns. Nor can we compare any of their ton-

nage, because the principles of measurement are essentially different in the two countries; that of England being also so unscientific as to give very irregular and false results.

Between the nominal tonnage, therefore, as registered in the two countries, no accurate comparison can be instituted; how near we approach them in *actual* tonnage is another question, doubtless of some interest, but of much obscurity. That we have lost ground in our comparative advance since the last war, we are unwilling hastily to believe; and unquestionably the Report of the Committee of Commerce and Navigation to the House, February 8, 1830, went far beyond the truth in their estimate, as appears conclusively by comparing it with the British tables, besides falling into some very grievous blunders. Still we do not deny but that sufficient reason exists for the next Congress to look carefully into this matter. We are "native" to the ocean, and must not tamely lose our birthright. In the meantime we find sufficient to pride ourselves upon in the unquestioned fact, that among commercial countries, our tonnage stands next to that of England; and among commercial cities, that of New York comes next to London. Whoever brings it, we may pride ourselves upon the amount that comes in; from actual inspection we venture to put down the amount of imports about to be reported, at \$100,000,000. A fault in our author we early noticed was, that his facts were too much mixed up with opinion. Of this error, Chapter IX. is a striking illustration; it is in truth more historical than statistical, and more political than historical. Its financial facts might be summed up in a page; whilst his philippics against the embargo, the non-intercourse, and the war, all doubtless very bad things—and against Napoleon and Jefferson, whom, from his statements, we presume to have been very bad men—occupy the remaining forty-four pages of the chapter. But of such additions to a statistic work, we have already expressed our opinion; in the present case we cannot but think it was somewhat intended to keep up a due feeling of indignation at French spoliations. But ere this, we trust, the bill of indemnity has rendered all such labours needless.

Having concluded his examination of the trade and commerce of the country, Chapter X. opens as follows: "Some brief sketches of the internal commerce, wealth, and resources of the United States, especially during the period under immediate review, will now be presented to the reader. Our views, however, on this important part of political economy, will be confined to the subject of, 1. Banks, 2. Manufactures, and 3. Internal improvements, such as canals, rail-roads, &c." P. 413. We quote this passage as illustrative of the imperfect and obscure view the author seems to have taken of his own design. In the first place, why "brief sketches" of matters at least equally important with what has oc-

cupied half the volume? The internal commerce of the country, though from its diffusion and minute ramifications it makes less show to the eye, and is with more difficulty traced, is yet, we all know, infinitely greater in extent and amount of profit, than all that we carry on with foreigners. It should not, therefore, have been thus hastily passed over. Again, why limit the inquiry to these three specified topics? Many others at once present themselves, upon all which information is valuable to the general reader, and all-important to such as seek to gain a just view of the condition and progress of the country. It may be that official data cannot be had for filling up every part of such a scheme; but that is no reason for not giving the outline, which would be valuable, were it for no other purpose than to point out the deficiency, and to begin the task of supplying them. No doubt, accurate national statistics require the aid and organization of government itself; but what so likely to set government in motion as a work exhibiting the value of what they have already done, and the extent of what they have yet to do.

But we have further quarrel with this passage. Why does our author call these statistics his "*Views on Political Economy*?" Does he regard these terms as synonymous? or does he think that political economy belongs only to tariffs and internal improvements, and not equally to commerce and navigation? In either way it involves a confusion of ideas not favourable to sound science. The history given by him of the paper currency of our country is, however, interesting and instructive. That of the Bank, which mainly occupies the chapter, is full and fair in its facts, though needlessly we think argued in the tone of an advocate. The Bank of the United States we now regard as matter of history, not of contest; its doom is sealed, and its friends may write its epitaph proudly but calmly. It has answered all the ends for which it was created—it has fulfilled all the promises it gave; and it now, like the sun, looks greatest and biggest in its going down. What the treasury needed, that it became—a fiscal agent which transferred its millions from one end of the Union to the other, without charge and without loss. What the country demanded, that it effected—the restoration of a debased currency, and the maintenance of a sound one. What our home trade wanted, that it provided—a medium of remittance to every corner of our land—safe, cheap, expeditious, and uniform. What our foreign merchants asked for, that it gave them—bills of exchange which passed current all the world over, a saving to the country of the annual shipment of millions. What our paper currency required, that it applied—a balance-wheel in the machinery to preserve its equilibrium, and a regulator to control all inferior action: a power, be it remembered, that was never abused to the injury of minor institutions. Such has been its course, and such we confidently predict will be

its future estimate. Vilified and persecuted as it has been, its closing days have as yet met with no dishonour—its name stands first wherever credit is to be given, either at home or abroad; even within the bounds of the Celestial Empire its bills now command a premium over the most unquestioned in Europe. One trial of its fame alone remains. Its winding up will be the last act of its greatness. It is a power that may be abused, but lodged as it is, we fearlessly say it will not; and that in addition to a history of unparalleled success, will be added, what is even yet more difficult to find, an instance of injuries forgotten, and private interest spurned, in laying down a control which in its last moments might be made irresistible for evil. Such at least is our predicted eulogium. That our readers may judge of the present aids it affords to commerce, we subjoin the reports of the last two months.

United States Bank, 1st March, 1835.

Loans on notes and other securities,	\$ 35,950,304
Domestic bills of exchange,	21,864,100
	<hr/>
	\$ 57,814,404

1st April, 1835.

Loans, &c.,	\$ 37,173,747
Domestic bills,	22,926,468
	<hr/>
	\$ 60,100,215

Making an advance in March, of	<hr/>
	\$ 2,285,811

Now, whether such increase be prudent in the Bank, wiser heads than ours must determine. We would only urge upon its direction, the moral responsibility they accumulate upon their hands, in thus enlarging facilities which must so soon be wholly withdrawn. We commend this query to their calm deliberation.

The Mint, together with all its statistics, our author dismisses in the compass of half a page. This should not be. Paper money will never be understood, until metallic money is thoroughly investigated. The statistics of our coinage, in all its questions of standard, seignorage, relative value, &c., are highly interesting as matters both of science and of fact, and the present is precisely the work in which we have a right to look for them.

Chapter XI., one of the longest in the book, treats the subject of Domestic Manufactures, of which also it gives a laboured eulogium. Now, we object neither to the details nor to the praise, but very much to the manner in which both are given. The praise, as we have already said, is that of an advocate, not a judge; and the details are generally arranged in the form of an argument in favour of duties for protection. But passing this by, and supposing

argument admissible, we protest against the fallacies upon which it runs; such sophisms are pardonable in the ignorant—they are to be expected in the interested—but they are not excusable in the intelligent and honourable reasoner. A further appeal against them might be made to our author's patriotism. Why labour, we would say, to unsettle the decision of a harassing question, to which time is now rapidly reconciling even the most disaffected, and the settling of which was to the country as the sheathing of the sword? Why call up a compromise, as the bill of 1833 unquestionably was, to be again tested by "ex parte" principles? But to let this also pass. If the question be argued at all, we have a right to expect it should be done fairly, and without appeal to the prejudices of ignorance. Now this we maintain, Mr. P. has not done; and for his readers' sake, we will follow him through some of these sophisms. The first is a logical fallacy, which runs through his whole argument. It consists in substituting "manufactures" for the real question, "the protection of manufactures." The advantage gained by such ambiguity is obvious. If "manufactures" be the matter in dispute, then are its opponents put in the wrong, by the variety, and magnitude, and extent of them, being triumphantly displayed. But what, we ask, is all this to the question of "protection?" If the greater the extent the stronger be the argument, then do our manufacturers now require ten times the protection they did in 1816; and agricultural labour will bring in its claim for ten times as much again, as giving so much more support to American industry.

To show that we do not herein belie our author, take the following. After stating the aggregate annual value of the manufactures of the United States to be from 325 to 350 millions of dollars, (which we take to be much below the mark,) he goes on to say, (p. 510,) "when the reader compares this amount with that of foreign articles consumed here, which, after deducting teas, wines, coffee, and spices, will not exceed 50 millions of dollars a year, he *cannot fail* duly to appreciate the importance of this branch of domestic industry; and *must*, we imagine, be sensible, not only of their importance, but the *absolute necessity of sustaining them*." We have italicised the passage in order to mark his argument, which we do not hesitate to assert to be gross sophistry. The question is, "do manufactures require further legislative protection?" The answer is, "they are very extended without it." Now in simple truth, if any conclusion were to be drawn from such premises, it would necessarily be, they have as much as they stand in need of.

We pass to a second instance in which he seeks to enlist patriotic prejudices into the question. Thus in the very opening of the subject, p. 461, he says: "In 1719, the House of Commons declared, 'that the erecting manufactories in the colonies tended

to lessen their dependence upon Great Britain," italicising the above words in order to indicate that political independence is the price we are now paying for British manufactures.

Again, p. 480: "It cannot be deemed of small importance to a people, whose number at the present time (January, 1835) exceeds 14 millions, and whose annual increase is about half a million, to know to what extent they now are or hereafter may be *dependent* on foreign nations for articles of the first necessity." Now this is obviously fallacious, such dependence whatever it be between nations being equal and mutual. The raw material is just as necessary to England as her manufactures are to us, and she would starve for want of cotton, full as readily as we for want of cutlery. On the point of British dependence upon us, our author's own statements are conclusive against him. "The total value of cotton goods," says he, "annually manufactured in Great Britain, M'Culloch estimates at about \$ 72,000,000, furnishing subsistence for from 1,200,000 to 1,400,000 persons." P. 486. Again, "about one-twelfth of the whole population of Great Britain is supported by the cotton manufactures, and the stoppage of a few thousand spindles throws as many hundred persons on the parishes for support." P. 521. Now, if this is not dependence, why should ours be; and if it is, it is then felt on both sides or on neither, and is thus nugatory. But, in truth, the very terms are false. With nations as with individuals, poverty alone is dependence, and wealth, from whatever form of industry arising, is always independence. For a proof of this let us look at Holland in the days of her long continued prosperity. She was dependant upon foreigners for seven-eighths of the bread she eat, and at the same time was surrounded by watchful and jealous enemies, who would willingly have starved her if they could. But wealth and free trade were too strong for them. The price of grain in Holland was always at its minimum in Europe, and every starving country invariably looked to her for bread. She has now, we acknowledge, fallen behind in the race, but it is "protection" and not "free trade" that has caused her to do so. It is because she is weighed down by taxes and trammelled by tariffs, and called to vie with countries unburdened by either. But Holland in her early course is a noble picture of what industry and prudence can accomplish for a people, "contending and wrestling," as De Witt describes her, "with the sea, and the rivers, and drained mires,"—"without bread for her people, or produce to buy it with, or a stick of timber for ship building, she yet became," adds that great statesman, "a greater seat of traffic, and a richer merchandizing country, and better provided with the means of subsistence, than ever was before in the world." (De Witt's Maxims.) So much for the danger of a rich country becoming dependant.

Another gross fallacy of our author is the substitution of "la-

bour" for "productive industry," mistaking in fact the Dr. for the Cr. side of the account. Our country surely does not grow rich through the amount of *labour* which is consumed in the product, but evidently through the value which such labour brings back. But these sticklers for "American industry," as they falsely term themselves, have so eulogised American labour as to come at length to think that it is the *labour* we live by instead of the *fruits* of that labour, and therefore conclude that they improve their cause by swelling to the utmost the amount of labour consumed in all our manufactures. Now the reverse of all this is true—the less the labour the more the profit—what countries as well as individuals are ever seeking after, and consequently what an economist is bound to show in that which he advocates, is the *minimum* of labour with the *maximum* of return. In the following passage who would not think, from Mr. P.'s language, that England was doing us some great national injury? P. 475. "One of the countervailing measures," says he, "of that government, was a reduction of the duty on imported wool. Prior to the American act of 1824, the duty on wool imported into England was sixpence sterling a pound, but soon after the passage of this act, this duty was reduced to one penny a pound, and for the purpose, as the debates in Parliament show, of enabling the British manufacturer to send his woollens to the United States at a cheaper rate; and not long after, with the same views, the duty on all wool, the price of which was less than one shilling sterling, was reduced to a halfpenny." Now if this be justifiable ground of complaint against England, what, we ask, would it have been had she chosen to send us her manufactures for nothing? Would it not, according to such reasoning, have been good cause of war, or at least a non-intercourse?

It is strange into what inconsistencies economical reasoners are led, when they abandon the ground of nature and freedom. Take the following specimen. After showing the encouragement bestowed upon the *fine arts* of our country, by allowing the importation of many articles connected with them *duty free*, Mr. P. triumphantly adds, "and we may here ask if Congress has the power to encourage the *fine arts*, why it has not also an equal power to encourage other arts, which, though of a different kind and character, are certainly not less useful and necessary?" Now how, we ask, does this argument hold together? Congress patronizes the fine arts, by *taking off duties*; THEREFORE, she is bound to patronize manufactures or the useful arts, by *laying on duties*. Freedom of trade, according to our author, does not consist in leaving all to find their own market, but in forcing the parties to exchange whether they will or no. "Let us suppose," says he, "that the shoemaker should tell the farmer that he could no longer take his corn and his cattle for shoes, or could only take them

occasionally, when he was unable to produce sufficient for himself. To this the farmer must *necessarily* reply, "then, sir, I can no longer take your shoes," &c., p. 520. Thus argues Mr. P. Now we on the contrary think he would be puzzled to find any such farmer in the country who buys or sells on this principle, *i. e.*, to insist upon the shoemaker taking his grain and cattle, whether he wants them or not, and at the same time to refuse the shoes of such a neighbour upon that ground, simply without once bethinking himself whether they are not cheaper or better than he could get elsewhere; there may be such clod-pated farmers, but we *guess* they are not to be found in Connecticut. As matters of policy, these are questions not wise now to stir; and as matters either of policy or science, this is not the work in which they should be found.

Chapter XII. treats of the internal improvement of our country, its canals and rail-roads. On this subject we have no time now to enter, for it is a mighty theme, full of interest in its present extent. and teeming with golden visions for the future; it demands therefore more ample room and a less tired pen than ours. We commend the subject in all its bearings to one whom, before closing, we would name as the fittest man in the United States to carry out the scheme which we have already hinted at, of a great national work on the statistics of our country. To the clear head and comprehensive mind of Mr. Gallatin we are already deeply indebted, in almost every question connected with the commerce, currency, and financial resources of the country; and few if any can be named in it who unite to enlarged views such an accurate knowledge of detail, combining practice with science, and a wide experience with an intimate knowledge of principles; and when we add to all this, that he has been our negotiator in almost every controverted question with foreign nations, touching either boundaries or trade—we venture thus publicly to ask, whether his peculiar fitness for the task does not give us a right to call upon him to undertake it. We trust that he will so regard it—at any rate, that it may be received as our apology for the suggestion.

MISCELLANEOUS NOTICES.

A History of the Commonwealth of Kentucky. By MANN BUTLER, A. M. Louisville, Kentucky: 1834.

THIS is an interesting work—one which should be extensively read, and might be extensively useful. It does not indeed lay claim to the title of history, in the highest and philosophical sense of the term. It illustrates, however, some of the most important points in the science of human nature. Among others, that insecurity of property, especially landed property, produces immorality and paralyzes enterprise; that reason and truth possess a healing efficacy, and in times of greatest disorder and darkness we may put our trust in them as a remedy and a safeguard; and some passages show most forcibly how small is the proportion in a legislative assembly of those who think. Such reflections constitute the value and soul of history; while the events recorded are but the experiments by which they are illustrated. The work before us, however, is meant to be merely a simple record of the adventures, perils, and hardships of the settlers of Kentucky, and of its progress from a collection of log-cabins to populous cities—from an untaught community, to a people of schools and colleges—and from a handful of men, in danger of destruction from their exasperated neighbours, to a powerful state, with turnpikes, rail-roads, commerce, and manufactures. In such a work, next to accuracy, a simple and intelligible style is requisite. The first of these qualities we are on the whole disposed to concede to the author; though we have heard certain veterans make objections to a few points of less importance. He has exhibited a praiseworthy perseverance and activity in getting access to sources of information previously untried; and he has availed himself of his means with industry and talent. The archives of the state have been opened to him by the liberality of the legislature; and personal application to the actors in the scenes he describes, and to the surviving relatives of those that are dead, has given him much interesting and credit-worthy matter. With respect to the author's style, there is fault to be found—it is lax, a quality which is probably owing to the necessity of finishing his volume before the patience or memory of his subscribers was exhausted. Another great fault is its incompleteness. The promise to subscribers was, that the work should be embraced in one volume, and the title-page implies the same thing; but the reader who should search the volume for an account of banking in Kentucky, in its latest form, would be disappointed. In various parts of the book we are referred to the Appendix for documents of interest and importance. But we have looked for them in the Appendix in vain.* The author's style certainly leaves room for improvement. It is the fortune of many of his phrases to be eminently unhappy. We doubt not that a *pretty smart* heap of such expressions as "the *balance* of Kentucky," (i. e. the remainder), p. 13, "some men *happened* at the same place," p. 41, &c., may be found in the Kentucky dialect,

* Documents not found in the Appendix, are promised on pages 178, 179, 195, and 232.

which is not however pure Attic. "The path of *sub-independence*," mentioned on page 180, as having been first travelled by the statesmen of Kentucky, must have been doubly difficult, from being, as we are told it was, a wilderness!—a sentence both sub-obscure and sub-absurd. It may be a matter of doubt how many of the plain citizens, for whose benefit this history was indicted, will know what is meant by calling the first and long-repealed constitution one of "their political muni-ments." "A golden commentary on a diamond text" is much too oriental for the west. "Overpowering indignation *should have flashed Sebastian's own* abandonment of his duty home to his conscience," p. 249, is amazingly splendid. Our author's favourite hero is General George R. Clarke, in a portrait of whom the title-page rejoices. No terms are sufficiently magnificent to express Mr. Butler's admiration of this warrior. On page 80 it is said—"With the promptitude inspired by his eminent genius for war, our daring commander determined, like his most appropriate original, the great Hannibal," to march against St. Vincents—which had eighty men in garrison and some swivels mounted! Throughout the book are numerous passages, that would receive the unmingled plaudits of a patriotic audience on the Fourth of July, but are somewhat incongruous in their present situation. The greatest fault, however, with which the book is to be charged, is the obscurity of many parts. Who can understand the involutions of the paragraph on page 264, beginning "The expediency," &c.? Such is the manner in which too large a portion of the book is written, unfitting it especially for the class of readers whom it is most likely to attract. Fortunately, however, the narrative portions are the most free from this defect.

After so much fault-finding it is pleasant to commend, and we can do so most emphatically with respect to Mr. Butler's remarks on many points, regarding which error is too prevalent and very mischievous. In a work intended for popular use, and likely to be read by those who do not read much, it is gratifying to find a stand made against popular prejudices. The spirit of the following remarks is worthy of all praise.

"It has been remarked, that about this time the changes in the wealth and property of society in Kentucky began to be more strikingly obvious. The distance between the extremes of property became more marked. Such are the inevitable operations of unequal exertions, talents, and opportunities in any community where industry and enterprise are, as they ought to be, free to exert themselves, and where they are secured in their acquisitions, when they have made them. Nor can there be a doctrine more fatal to the prosperity of a well ordered society than any outcry of aristocracy, which, under a false and pretended denunciation of wealth, whether directly or indirectly the reward of merit, undermines the security and the reputableness of property, which are the very roots of the greatest social blessings." "The hue and cry of aristocracy against the rewards of industrious enterprise or its descendants, ought to be suspected and frowned upon by an orderly and intelligent people, who wish to preserve the foundations of the social fabric uninjured; and to maintain that decent and temperate love of property, without which liberty would have little to struggle for and less to enjoy. Yet the badge of aristocrat, which so easily fastens to a prosperous man, not too courteous in his manners or remarkable for his conciliatory demeanour, soon consigns him to perpetual obscurity; it is the ostracism of Kentucky, perhaps of the United States, without any removal from the soil." P. 294.

It is a remarkable fact, that as far back as the earliest records go, which we have of Kentucky, it has not been in the possession of any tribe of Indians.

"Within the personal knowledge of our countrymen, since the war of 1755 Kentucky has not been in the occupancy of any tribe. There are indeed through it, as all over the western country, indications of a race of people having existed, much

more advanced in the arts than the tribes known to us, but whose history is but a tissue of faint and disjointed conjectures, like that of innumerable tribes all over the globe, who have been destitute of letters and the use of the metals. The villages of Indians known to have been nearest to Kentucky, were on the Scioto and the Miamis of the Ohio in the north, and on the waters of the Tennessee river in the south. From these points the various war and hunting parties issued, to engage in the one or the other pursuits, as the passions or the opportunities of their expeditions might lead. Here the Chickasaws and Cherokees of the south used to engage with various tribes of the Miami confederacy—here they indulged their passions for hunting, in the profusion of game afforded by Kentucky. So much was this ground exempted from settlement, that on neither the Ohio nor the lower Tennessee are any Indian towns known to have been settled. Yet no situations have generally delighted savage tribes so much as the margins of water courses; the opportunities of navigation and of fishing unite to attract them to such spots. Accordingly, the banks of most of our western rivers, excepting those of Kentucky, (although they abounded in game and in salt licks,) were found occupied by the native tribes of the forests." P. 9.

The fertility of the central portions of Kentucky is well known. At the first arrival of the whites, these regions were covered with the densest cane-brake, ten or sixteen feet high. Game was so abundant, as to excite the astonishment, almost the rapture of the pioneers, who, hunters as they were, thought a country that abounded in buffalos, the richest and happiest on which the sun shines. At present, however, not a buffalo remains in the state; and the cane-brake is extirpated, except in some obscure corner, to which there is access for neither plough nor cattle. In the leaves of the cane, the horses and live stock of the first settlers found an abundant supply of the richest food, that failed them neither winter nor summer.

The first log-cabin in Kentucky was built by James Harrod in 1774, on the present site of Harrodsburg. This, however, was not the beginning of a permanent residence, for both Harrod and the other early explorers of Kentucky, were compelled to withdraw from the state in consequence of the hostilities of the Indians. After the peace, the first fort was built in 1775, at Boonesborough, on the Kentucky river. Fortified settlements were called stations, and soon became numerous.

"A fort, in these rude military times, consisted of pieces of timber sharpened at the end and firmly lodged in the ground; rows of these pickets enclosed the desired space, which embraced the cabins of the inhabitants. A block-house or more, of superior care and strength, commanding the sides of the fort, with or without a ditch, completed the fortifications. Generally the sides of the interior cabins formed the sides of the forts." P. 28.

We have received from one of the first settlers an account of the hut inhabited by himself, and several others of his party, for the first year or two after his arrival. It was formed of long logs, which, instead of being piled on each other, were placed one end on the ground, and the other ends supporting each other; the hut was, consequently, of a conical form. Furniture they had none, except what they had themselves roughly formed of logs and skins. The cabin had no floor. They raised a crop of corn, a part working while the others were procuring food for the community by the chase.

Notwithstanding these difficulties, the population of the state continued to increase. A memorable event in its history, is the first visit of George Rogers Clarke of Virginia. He was well adapted to take a leading part in the scenes of gallant adventure, in which the times abounded. Through his instrumentality, in defiance of a powerful resistance, the county of Kentucky was established by the legislature of Virginia, embracing the present limits of the state. To him the commonwealth owes its first political organization. In Indian warfare, Clarke's talents were promi-

nent, and they were often honourably tried in expeditions undertaken by a handful of Kentuckians, against the Indians on the north side of the Ohio. These campaigns were highly brilliant, and in this volume the account of them is for the first time submitted to the public.

The years 1777-8, were an eventful period for Kentucky. Attacks were made with great vigour on almost all the important settlements, with various success.

"Notwithstanding these various sieges, the fields adjacent to the forts were cleared of their timber, and cultivated in corn and vegetables—some keeping guard while others laboured, and each taking his turn as a hunter, at great hazard. Yet amidst these multiplied and hidden dangers, the intrepidity of our hunters found it a relief to take an equal chance with the enemy in the woods. They thought themselves the best marksmen, and as likely to see the Indian first as be seen by him; while the first sight was equivalent to the first fire, and the most expert shooter held the best security for his life." P. 94.

Lexington was first settled in 1779. A memorable encounter took place about this time between a party of Indians and a couple of keel-boats ascending the Ohio with supplies from New Orleans. The place was just above the site of the present city of Cincinnati. The party was commanded by Col. David Rogers and Capt. R. Benham. Most of the whites were massacred. The following very remarkable and rather incredible incidents, are quoted by the author from M'Clung's *Sketches of Western Adventure*. In the encounter, Captain Benham had been dangerously wounded in the hips; he concealed himself in a large tree, which had fallen near.

"On the following day, the Indians returned to the battle ground in order to strip the dead, and take care of the boats. Benham, although in danger of famishing, permitted them to pass without making known his condition, very correctly supposing that his crippled legs would only induce them to tomahawk him on the spot, in order to avoid the trouble of carrying him to their town. He lay close, therefore, until the evening of the second day, when, perceiving a racoon descending a tree near him, he shot it, hoping to devise some means of reaching it, when he could kindle a fire and make a meal. Scarcely had his gun cracked, however, when he heard a human cry, apparently not more than fifty yards off. Supposing it to be an Indian, he hastily reloaded his gun, and remained silent, expecting the approach of an enemy. Presently the same voice was heard again, but much nearer. Still Benham made no reply, but cocked his gun and stood ready to fire as soon as an object appeared. A third halloo was quickly heard, followed by an exclamation of impatience and distress, which convinced Benham that the unknown must be a Kentuckian. As soon, therefore, as he heard the expression, 'whoever you are—for God's sake answer me,' he replied with readiness, and the parties were soon together. Benham, as we have already observed, was shot through both legs! The man who now appeared, had escaped from the same battle *with both arms broken*. Thus each was enabled to supply what the other wanted. Benham having the perfect use of his arms, could load his gun and kill game, while his friend, having the use of his legs, could kick the game to the spot where Benham sat, who was thus enabled to cook it. When no wood was near them, his companion would rake up brush with his feet, and gradually roll it within reach of Benham's hand, who constantly fed his companion and dressed his wounds as well as his own, tearing up both their shirts for that purpose. They found some difficulty in procuring water at first, but Benham at length took his own hat, and, placing the rim between the teeth of his companion, directed him to wade into the Licking up to his neck, and dip the hat into the water (by sinking his own head.) The man who could walk was thus enabled to bring water by means of his teeth, which Benham could afterwards dispose of as was necessary. In a few days they had killed all the squirrels and birds within reach, and the man with broken arms was sent out to drive game within gunshot of the spot where Benham was confined. Fortunately wild turkeys were abundant in those woods, and his companion would walk around and drive them towards Benham, who seldom failed to kill two or three of each flock. In this way they supported themselves for several weeks, until their wounds had healed, so as to enable them to travel." P. 107.

The following picture of the manners of the times, is at least amusing:—

"Until nearly this time, the proportion of females had been small; it was now no longer felt, and a license to marry is said to have been the first process issued by the clerks of the new counties. A law suit did not at this time exist in Kentucky, since so unfortunately loaded with litigation about the very homes and firesides of her citizens. The females milked the cows, prepared the meats, spun and wove the garments of their husbands and children—while the men hunted the game of the woods, cleared the land, and planted the grain. To grind the Indian corn into meal on the rude and laborious hand-mill, or to pound it into *hominy* in a mortar, was occasionally the work of either sex. 'A tin cup was an article of delicate luxury, almost as rare as an iron fork.' The furniture of the cabin was appropriate to the habitation. The table was composed of a slab, or thick flat piece of timber, split, and roughly hewn with the axe, with legs prepared in the same manner. Stools of the same material and manufacture, filled the place of chairs. When some one, more curiously nice than his neighbours, chose to elevate his bed above the floor, (often the naked ground,) it was placed on slabs laid across poles, which were again supported by forks driven into the floor. If, however, the floor happened to be so luxurious as to be made of puncheons, (another larger sort of slabs,) the bedstead became hewn pieces, let into the sides of the cabins by auger holes in the log. It is worth while to mention, that the cradle of these times was a small rolling trough, much like what is called the sugar trough, used to receive the sap of the sugar maple." P. 133.

"Hats were made of native fur, and sold for five hundred dollars in the paper money of the times. The wool of the buffalo, and the bark or rind of the wild nettle, were used in the manufacture of cloth, and a peculiar sort of linen made out of the latter." P. 137.

A remarkable step in the progress of civilization in Kentucky, was the establishment of the first printing press. The ingenuity and enterprise with which the difficulties belonging to the undertaking were overcome, render it worthy of notice. The *Gazette* established has since played a conspicuous part in the history of the state. Mr. Bradford died a year or two since.

"Mr. John Bradford, an ingenious and enterprising citizen of Kentucky, not brought up to the business of a printer, undertook this important step in the political and intellectual improvement of Kentucky. There was not then a printing press on the western waters; not one within five hundred miles of Lexington. Several of the types were cut out of dogwood; and with this imperfect apparatus, on the 18th of August, 1787, he and his brother, Fielding Bradford, published the *Kentucky Gazette*. It was at first a weekly paper printed on a demi sheet, which size was altered on the 1st of September following, into a medium sheet, and then it assumed one of greater dimensions." P. 164.

With the advancement of population, and the increase of produce for the market, the right of navigating the Mississippi became a subject of engrossing importance. The suspicion that Congress was regardless of the interests of Kentucky, and disposed to surrender the navigation of that river, was extensively entertained. Many of the citizens were in favour of the plan of an independent government, under the protection and alliance of Spain. For this they should not be harshly judged. The weakness of the Confederation, the distance of their frontier settlements from the Atlantic states, the difficulties of communication, and the apparent improbability of their obtaining, by means of Congress, the right of navigating the Mississippi, might well have produced despondent feelings. It is rather to be wondered at, that at such a time, when Spanish intrigue was busy, and Spanish money freely distributed, and still more liberally promised, the great mass of the people remained so true, and rejected so decidedly the whisperings of the tempter.

When the subject of the adoption of the Federal Constitution was considered in the Virginia Convention, the vote of Kentucky was opposed to it, in the proportion

of eleven to three. For some unascertained cause, no votes were given by Kentucky in the first elections of President and Vice-President of the United States. Much difficulty and vexation were experienced in arranging the separation of Kentucky from the mother state. Convention after Convention was held, without results. These bodies sometimes stepped a little aside of their proper path; and of the proceedings of one of them against the importation and use of foreign goods, especially those of a fine quality, Mr. Butler speaks in a very sensible tone (p. 185). By the eighth Convention a Constitution was at length established in 1792, and in June of that year, Kentucky was admitted as one of the United States. The first governor was Isaac Shelby. As a specimen of the economy of those days, we quote the following list of salaries.

"The members of Assembly received one dollar per diem, and twelve dollars each for the whole session; twenty dollars compensated the presiding officer of each house, fifty dollars the clerk, and twelve dollars the serjeant at arms. The largest bill was that of the public printer." P. 214.

In 1793 the salary of the Governor was \$1,000; of the Judges of the Courts of Appeal \$666 66; of the Secretary of State \$333 33; of the Treasurer, Auditor, and Attorney General, the same.

Entire tranquillity with the Indians was not enjoyed till the treaty of Greenville in 1795. Various expeditions were undertaken to give security to the frontier. Among these, the campaigns of Wayne were the most prominent, and of them, much information from original sources is given by the author.

A source of far greater evils than the Indian depredations ever produced, was the state of land titles. The subject of the public lands had engaged at an early period the attention of the Virginia legislature. Their usefulness, as a source of revenue and the means of relieving the citizens from the burden of taxes, was duly estimated. Even under the regal government, grants and surveys had been made of lands in Kentucky, in reward of military and other services. But the thoughtless eagerness with which Virginia disposed of her public lands, entailed on the citizens of Kentucky years of distress, and derangement of their highest interests. To understand this complicated subject, it is necessary to enumerate the various rights and claims which a miserable policy afterwards brought into conflict.

1. Prior to 1778, surveys and grants had been made for military services, and for money paid into the regal treasury.

2. The officers and soldiers, in the state and continental service, were entitled to large tracts, by the bounty of Virginia.

3. Rights to four hundred acres were given to each person, who, with his family, had actually settled on the waste lands.

4. The settlers in villages and stations were likewise entitled to four hundred acres.

5. Large tracts were sold on long credit, equivalent to a gratuity, to poor persons, by the county courts.

6. Large quantities of land were bought by speculators at the state price. As the depreciated currency of the time was received in payment at its par value, the real price was reduced to less than fifty cents per hundred acres.

The above mentioned will serve as a specimen of the numerous and perplexing varieties of claims to land, which were to be reconciled. Besides these, there were many others, derived from the authority both of Virginia and Kentucky. Multiplied and confused, however, as they were, the consequent evil was not inevitable. Had a system of accurate surveys been followed, and order been preserved in registering

patents, the tract belonging to each individual might have been precisely described and recognised. On the contrary, no method could have been pursued, more adapted than the actual one, to create confusion, and encourage litigation. The holder of a claim applied to the proper authority for a warrant. This instrument gave the right of selecting and appropriating a specified quantity of waste and unappropriated land. When the warrants were obtained, it became the object to locate them on the most fertile and valuable territory. This part was generally entrusted to hunters, and men of like description, who were supposed to be best acquainted with the country. These men were illiterate, and often unprincipled. After making selection of their tract of land, it became necessary to record it in the proper office. The vagueness and uncertainty of their descriptions are amusing. "A. B. enters five hundred acres, to include his cabin." An entry has been made in this form even before the cabin was built. "E. A. enters six hundred acres on Eagle creek, a branch of the Kentucky, beginning at a small beech, marked J. N., on the north side of a small drain," &c. Now Eagle creek is fifty miles long, has a thousand drains, and a million beech trees. "C. D. enters four hundred acres, beginning at a stake marked E. F., forty miles from the Ohio." In consequence of these vague descriptions, several entries of the same tract were often made by different persons, each ignorant of the other's claim. Different names were given by different individuals to the same object, as hills, rivers, or licks; and after one individual had located his warrant on a stream known to him as Big Drowning creek, another laid claim to the same stream as the Rolling Fork of Little Muddy. "It often happened, also, that two sets of locators, commencing their entries on parallel creeks, and running out each way until they interlocked, were quite astonished to find their surveyors crossing each other's lines." In consequence of these irregularities, all the vacant lands were granted or sold twice over, and even then warrants continued to be issued from the treasury. The holders of these had either to lose their purchases, or take advantage of the vague descriptions of the surveys already recorded, and make precise, specific entries of appropriated lands. Under such a temptation, profit was too strong for virtue, and the system proved admirably adapted to the promotion of dishonesty. It offered the highest remuneration for a total disregard of the laws of property. The result of this state of things was a depreciation of the value of the soil; for the purchaser had no security that he might not be suddenly ejected by the superior right of some latent claimant. It obstructed the progress of improvements, for who would consent "to clear up the grounds, erect houses, build barns, plant orchards, and make meadows, for the sole convenience of others?" It produced enmities in each neighbourhood, and set in distrust, those who should have been united in heart and hand. Persons were not wanting, whom no feeling of honour or justice could deter from searching the old records of courts and surveyor's offices, and ferreting forth long-forgotten claims. These they bought for little or nothing of their proprietors, sometimes proposing to bring suit against the actual occupants, on condition of a share in the land if the suit should be successful. Every citizen of Kentucky, whose memory goes back to those sad times, can recollect instances of distress, brought, by the revival of unknown claims, upon the innocent and unsuspecting, who thus lost the fruits of years of industry. Many legislative acts were passed to remedy these evils—for a long time without success. The legislature was tied and restricted by its compact with Virginia, which formed a part of the Constitution. The mischiefs have, at last, however, been arrested, by a law limiting the commencement of actions against settlers, within seven years of its passage. This quieting law was passed in 1809, and its constitutionality unanimously affirmed by the Supreme Court of the United States in 1831.

The Crayon Miscellany. By the Author of the Sketch Book.
No. I. containing a Tour on the Prairies. Philadelphia: 1835.

THERE are writers who have so ministered to our enjoyment as to become associated with our happiest literary recollections. The companionship of their works has been to us as that of an entertaining and cherished friend, whose converse cheers the hours of langour, and brightens the period of recreative pleasure. We are wont to think and to speak of them with quite a different sentiment from that which prompts us to speculate upon less familiar and less endeared productions. There is ever within us a sense of obligation, an identification of our individual partiality with the author, when the fruits of his labours are alluded to, his merits discussed, or his very name mentioned. The sensitiveness appropriate to the writer's self, seems, in a manner, transferred to our own bosoms; his faults are scarcely recognised, and we guard his laurels as if our own efforts had aided in their winning, and our own happiness was involved in their preservation. Such feelings obtain, indeed, to a greater or less extent, with reference to all the master spirits in literature, whose labours have been devoted, with signal success, to the gratification and elevation of humanity. But the degree of permanency for such tributary sentiment in the general mind, depends very much upon the field of effort selected by the favourite author, and his own peculiar circumstances and character. Subjects of temporary interest, however admirably treated, and with whatever applause received, are obviously ill calculated to retain, for any considerable length of time, a strong hold upon human regard; and, notwithstanding the alleged irrelevancy between an author's personal character and history and the influence of his works, the motives adduced by Addison for prefacing the *Spectator* with an account of himself, are deeply founded in human nature. Not merely contemporary sentiment, but after opinion in relation to literary productions, will be materially affected by what is known of the author. The present prevailing tendency to inquire, often with a truly reprehensible minuteness, into whatever in the most distant manner relates to the leading literary men of the age, affords ample evidence of this truth. Indeed, we may justly anticipate, that literary, if not general biography, will, ere long, from the very interest manifested in regard to it, attain an importance, and ultimately a philosophical dignity, such as shall engage in its behalf the sedulous labours of the best endowed and most accomplished minds.

The occasion which first induced Geoffrey Crayon to delineate, and those which have suggested his subsequent pencillings, were singularly happy; and the circumstances under which these masterly sketches were produced, nay, the whole history of the man, are signally fitted to deepen the interest which his literary merits necessarily excited. In saying this, we are not unmindful of the prejudices so ungenerously forced upon the attention of the absentee, and so affectinglly alluded to in the opening of his present work; but do we err in deeming those prejudices as unchargeable upon the mass of his countrymen, as they were essentially unjust and partial? Nay, are we not, in this volume, with our author's characteristic genuineness of feeling and simplicity, assured of his own settled and happy sense of the high place he occupies in the estimation and love of Americans?

The *Tour on the Prairies* is an unpretending account, comprehending a period of about four weeks, of travelling and hunting excursions upon the vast western plains. The local features of this interesting region have been displayed to us in several works of fiction, of which it has formed the scene; and more formal illustrations of the extensive domain denominated *THE WEST*, and its denizens, have been repeatedly presented to the public. But in the volume before us, one of the

most extraordinary and attractive portions of the great subject is discussed, not as the subsidiary part of a romantic story, nor yet in the desultory style of epistolary composition, but in the deliberate, connected form of a retrospective narration. When we say that the *Tour on the Prairies* is rife with the characteristics of its author, no ordinary eulogium is bestowed. His graphic power is manifest throughout. The boundless prairies stretch out illimitably to the fancy, as the eye scans his descriptions. The athletic figures of the riflemen, the gaily arrayed Indians, the heavy buffalo and the graceful deer, pass in strong relief and startling contrast before us. We are stirred by the bustle of the camp at dawn, and soothed by its quiet, or delighted with its picturesque aspect under the shadow of night. The imagination revels amid the green oak clumps and verdant pea vines, the expanded plains and the glancing river, the forest aisles and the silent stars. Nor is this all. Our hearts thrill at the vivid representations of a primitive and excursive existence; we involuntarily yearn, as we read, for the genial activity and the perfect exposure to the influences of nature in all her free magnificence, of a woodland and adventurous life; the morning strain of the bugle, the excitement of the chase, the delicious repast, the forest gossiping, the sweet repose beneath the canopy of heaven—how inviting, as depicted by such a pencil!

Nor has our author failed to invigorate and render doubly attractive these descriptive drawings, with the peculiar light and shade of his own rich humour, and the mellow softness of his ready sympathy. A less skilful draftsman would, perhaps, in the account of the preparations for departure (Chapter III.), have spoken of the hunters, the fires, and the steeds—but who, except Geoffrey Crayon, would have been so quaintly mindful of the little dog, and the manner in which he regarded the operations of the farrier? How inimitably the *Bee Hunt* is portrayed; and what have we of the kind so racy, as the account of the Republic of *Prairie Dogs*, unless it be that of the *Rookery* in *Bracebridge Hall*? What expressive portraits are the delineations of our rover's companions. How consistently drawn throughout, and in what fine contrast are the reserved and saturnine *Beatte*, and the vain-glorious, sprightly, and versatile *Tonish*. A golden vein of vivacious, yet chaste comparison—that beautiful, yet rarely well-managed species of wit; and a wholesome and pleasing sprinkling of moral comment—that delicate and often most efficacious medium of useful impressions—intertwine and vivify the main narrative. Something, too, of that fine pathos which enriches his earlier productions, enhances the value of the present. He tells us, indeed, with commendable honesty, of his new appetite for destruction, which the game of the prairie excited; but we cannot fear for the tenderness of a heart that sympathises so readily with suffering, and yields so gracefully to kindly impulses. He gazes upon the noble courser of the wilds, and wishes that his freedom may be perpetuated; he recognises the touching instinct which leads the wounded elk to turn aside and die in retracy; he reciprocates the attachment of the beast which sustains him, and more than all, can minister even to the foibles of a fellow-being, rather than mar the transient reign of human pleasure.

It has been said that our author, at one period of his life, seriously proposed to himself the profession of an artist. The idea was a legitimate result of his intellectual constitution; and although he denied its development in one form, in another it has fully vindicated itself. The volume we have cursorily noticed, is a collection of sketches, embodied happily in language, since thereby their more general enjoyment is insured, but susceptible of immediate transfer to the canvas of the painter. We rejoice that they are but the first series toward the formation of a new gallery, wherein we anticipate the delight of many a morning lounge and evening reverie.

The Writings of George Washington, &c. By Jared Sparks.
Vols. VI. and VII. Boston: 1835.

Two additional volumes of the copious correspondence of the Father of his country having issued from the press since our last number, we ask the continued attention of our readers to their interesting contents. Nothing can be of more profit to Americans, and especially to the youth of our land, than to recur, and that frequently, to the labours and sentiments of our revolutionary ancestors; and by so doing, to kindle anew that patriotic fire, which the heats of modern party-warfare are so apt to supplant. We have seen, with unmingled satisfaction, the efforts that have been lately made, (and in which the distinguished editor of these volumes has borne so conspicuous a part,) to revive our recollections, and to enlarge our knowledge of the men and the events of those days, which, we trust, the lapse of time will serve, instead of darkening, only the more to hallow and establish in our memories. The lives of some of the actors in the scenes of '76 have engaged several of our native pens; and we await, with pleasing anticipation, the appearance of others announced as in progress. Upon no better or more interesting subject could native talent or industry be employed. Let American works illustrate and record American history. Let American character shine forth upon pages traced by affectionate, though not over-partial hands. Let the spirit which would look with satisfaction and with pride upon native worth and abilities, be fostered and strengthened. There need be no fear of its being pushed to excess. Without *nationality*, no nation has been eminent. The great dead of ancient Greece were embalmed in the memories of her sons. The wide world else, was barbarian. The Roman relied with haughty independence upon that fact, which he deemed of first importance—Roman citizenship; and his aim was, to make it appear so in the sight of mankind.

The present work is not one about which to write at all at length. We can do no more than offer an account of it, and some analysis of its contents, for the benefit of such (we hope they will not be many) as will not read the volumes themselves. A running commentary, therefore, accompanied with the extracts that strike us as most entertaining, it is, in accordance with our notices of the previous numbers, our present design to furnish. The sixth and seventh volumes embrace the period of time between the 14th of July, 1778, and the beginning of April, 1781; a space marked with many incidents of a stirring description, and some portending deep danger to our independence, and yet, on the whole, indicative of a happy result to the contest. The actual, active co-operation of our French allies—the brilliant capture of Stony Point; the alarming progress of the British arms in the Southern States—and the base treason of Arnold—with the execution of the unhappy André, all distinguish this epoch. Upon all of these points the labours of the indefatigable editor have shed additional light; and upon some of them, particularly the last, we shall presently dwell for a short time.

Before proceeding, however, to notice incidents of a public nature, we shall present a few extracts, in further elucidation of Washington's sentiments, and as specimens of his epistolary powers. His letters, however private and confidential, written, too, at distant and different periods of his life, all exhibit the same high-minded and honourable views; and prove conclusively, that his entire career, public and domestic, was altogether of a piece; and that nothing which has been discovered, and we are warranted in saying, that nothing which can be discovered, is capable of marring the simple beauty and symmetry of his pure character. We would include, in this expression of opinion, his sentiments as a man, and his views as a

soldier, a politician, and a statesman. Happy indeed was our republic, in finding for a general, one, who, to a firm conviction of the necessity of strict military discipline, and of promptness and energy in the movements of war, united a conscientious submission to the civil authority on all proper occasions. Happy, in having for a leader, one, who, while fighting for liberty against the encroachments of arbitrary power, resisted the excesses of rebellion; and happy, again, in having for a statesman, in the very start of our political institutions, one, who was betrayed by no feeling of successful democratic exertion, into the extremes of radicalism; and assisted in giving to our political frame that impress which is its saving principle.

In a letter to a friend in Virginia, after speaking of the state of inaction of the British troops at New York, in August, '78, he says:

"It is not a little pleasing, nor less wonderful to contemplate, that after two years' manœuvring and undergoing the strangest vicissitudes, that perhaps ever attended any one contest since the creation, both armies are brought back to the very point they set out from, and that the offending party at the beginning is now reduced to the use of the spade and pickaxe for defence. The hand of Providence has been so conspicuous in all this, that he must be worse than an infidel that lacks faith, and more than wicked, that has not gratitude enough to acknowledge his obligations. But it will be time enough for me to turn preacher, when my present appointment ceases; and therefore I shall add no more on the doctrine of Providence; but make a tender of my best respects to your good lady, the secretary, and other friends, and assure you, that, with the most perfect regard, I am, dear Sir, &c."

The military ardour of Lafayette had induced him, rather foolishly it must be confessed, to send a challenge to Lord Carlisle, President of the Board of British Commissioners to negotiate with Congress; and he wrote a letter to Washington, to secure his approval of the step he had taken. The General wrote him in reply, to dissuade him from his purpose:

"MY DEAR MARQUIS,

"I have had the pleasure of receiving, by the hands of Monsieur de la Colombe, your favour of the 28th ultimo, accompanied by one of the 24th, which he overtook somewhere on the road. The leave requested in the former, I am as much interested to grant, as to refuse my approbation of the challenge proposed in the latter. The generous spirit of chivalry, exploded by the rest of the world, finds a refuge, my dear friend, in the sensibility of your nation only. But it is in vain to cherish it, unless you can find antagonists to support it; and however well adapted it might have been to the times in which it existed, in our days it is to be feared, that your opponent, sheltering himself behind modern opinions, and under his present public character of commissioner, would turn a virtue of such ancient date into ridicule. Besides, supposing his Lordship accepted your terms, experience has proved, that chance is often as much concerned in deciding these matters as bravery; and always more, than the justice of the cause. I would not therefore have your life by the remotest possibility exposed, when it may be reserved for so many greater occasions. His Excellency, the Admiral, I flatter myself, will be in sentiment with me; and, as soon as he can spare you, will send you to head-quarters, where I anticipate the pleasure of seeing you."

The result of the affair is thus stated by Mr. Sparks—Lord Carlisle very properly declining to meet Lafayette:

"In an address to Congress by the British commissioners, after Governor Johnstone had retired from the commission (Congress having refused to hold any further intercourse with him), they expressed themselves in terms derogatory to France; not very wisely, it must be allowed, considering the relations that then existed between the French and American national councils. The address was signed by all the commissioners, but Lord Carlisle's name appeared at the head, as president of the board. The French officers took offence, and believed the honour of their nation

to be concerned. They thought it an affair of sufficient importance to claim their notice on personal grounds, and that Lord Carlisle ought to be called to account for the free remarks, which he had sanctioned by his signature. This duty appertained to Lafayette, he being the highest amongst them in rank. It seemed to accord, also, with his own feelings, and in one of the letters, to which the above was an answer, he had asked General Washington's opinion. Neither the advice of Washington nor of Count d'Estaing could divert him from his purpose. A challenge was sent; but it was declined by Lord Carlisle, who said, in a civil and good-humoured reply, that he considered himself responsible only to his country and King for his public conduct and language."

How much sound sense is conveyed in the following passage from another letter!

"In general I esteem it a good maxim, that the best way to preserve the confidence of the people durably is to promote their true interest. There are particular exigencies when this maxim has peculiar force. When any great object is in view, the popular mind is roused into expectation, and prepared to make sacrifices both of ease and property. If those, to whom the people confide the management of their affairs, do not call them to make these sacrifices, and the object is not attained, or they are involved in the reproach of not having contributed as much as they ought to have done towards it, they will be mortified at the disappointment, they will feel the censure, and their resentment will rise against those, who, with sufficient authority, have omitted to do what their interest and their honour required. Extensive powers not exercised as far as was necessary, have, I believe, scarcely ever failed to ruin the possessor. The legislature and the people, in your case, would be very glad to excuse themselves by condemning you. You would be assailed with blame from every quarter, and your enemies would triumph."

The following we regard as agreeable specimens of easy and familiar correspondence. The first extract is from a letter to Lafayette, then in France (September '79). The other is a note addressed to Dr. John Cochran, Surgeon and Physician-General of the Army.

"You are pleased, my dear Marquis, to express an earnest desire of seeing me in France, after the establishment of our independency, and do me the honour to add, that you are not singular in your request. Let me entreat you to be persuaded, that to meet you any where, after the final accomplishment of so glorious an event, would contribute to my happiness; and that to visit a country, to whose generous aid we stand so much indebted, would be an additional pleasure; but remember, my good friend, that I am unacquainted with your language, that I am too far advanced in years to acquire a knowledge of it, and that, to converse through the medium of an interpreter upon common occasions, especially with the ladies, must appear so extremely awkward, insipid, and uncouth, that I can scarcely bear it in idea. I will, therefore, hold myself disengaged for the present; but when I see you in Virginia, we will talk of this matter and fix our plans.

"The declaration of Spain in favour of France, has given universal joy to every Whig; while the poor Tory droops, like a withering flower under a declining sun. We are anxiously expecting to hear of great and important events on your side of the Atlantic. At present, the imagination is left in the wide field of conjecture. Our eyes one moment are turned to an invasion of England, then of Ireland, Minorca, Gibraltar. In a word, we hope every thing, but know not what to expect, or where to fix. The glorious success of Count d'Estaing in the West Indies, at the same time that it adds dominion to France, and fresh lustre to her arms, is a source of new and unexpected misfortune to our *tender and generous parent*, and must serve to convince her of the folly of quitting the substance in pursuit of a shadow; and, as there is no experience equal to that which is bought, I trust she will have a superabundance of this kind of knowledge, and be convinced, as I hope all the world and every tyrant in it will be, that the best and only safe road to honour, glory, and true dignity, is *justice*."

* * * * *

" TO DR. JOHN COCHRAN, SURGEON AND PHYSICIAN-GENERAL.

" West Point, 16 August, 1779.

" DEAR DOCTOR,

" I have asked Mrs. Cochran and Mrs. Livingston to dine with me to-morrow; but am I not in honour bound to apprise them of their fare? As I hate deception, even where the imagination only is concerned, I will. It is needless to premise, that my table is large enough to hold the ladies. Of this they had ocular proof yesterday. To say how it is usually covered, is rather more essential; and this shall be the purport of my letter.

" Since our arrival at this happy spot, we have had a ham, sometimes a shoulder of bacon, to grace the head of the table; a piece of roast beef adorns the foot; and a dish of beans, or greens, almost imperceptible, decorates the centre. When the cook has a mind to cut a figure, which I presume will be the case to-morrow, we have two beef-steak pies, or dishes of crabs, in addition, one on each side of the centre dish, dividing the space and reducing the distance between dish and dish to about six feet, which without them would be near twelve feet apart. Of late he has had the surprising sagacity to discover, that apples will make pies; and it is a question, if, in the violence of his efforts, we do not get one of apples, instead of having both of beef-steaks. If the ladies can put up with such entertainment, and will submit to partake of it on plates, once tin but now iron (not become so by the labour of scouring), I shall be happy to see them; and am, dear Doctor, yours, &c."

There is a point of considerable interest connected with the history of that day, upon which much additional information is furnished by Mr. Sparks. The British Ministry, at different periods of the contest, opened the campaigns with renewed spirit, and sent over very large reinforcements. This was the case in the year 1779. Every address of the King to Parliament was expected with much impatience in America; and, at that period, it, as well as the speech of the Minister, Lord North, breathed a spirit of vigorous effort. The dogged determination of the English government to persist in the attempted conquest of this country, has been, all along, attributed to the settled hostility and unyielding temper of the Premier. This opinion prevailed universally in the United States, and to a considerable extent in England, and public writers have all asserted it. The contrary has been lately established; and it now appears, that it was George the Third, himself, who insisted upon the lengthened prosecution of the war; and that Lord North not only made frequent and earnest endeavours to bring it to a close, but actually urged a coalition with the very men who had opposed the American war throughout. His plan of conciliation, therefore, when finally brought forward, was in accordance with the real wishes of his heart.

It is well known that Washington was in the constant habit of employing spies, by whose agency he was put in possession, at times, of information of the first importance. Early in the war, he adopted this plan of procuring intelligence of the enemy's movements; and his caution and prudence in the employment of these means, were no less conspicuous, than the patriotic fidelity of some of the agents. The editor says:

" General Washington always had spies in New York, who were unacquainted with each other, and whose intelligence came through different channels. By comparing their accounts he was commonly well informed of all the enemy's movements, and was able to judge with considerable accuracy what plans they had in contemplation. One individual was occupied in this way nearly the whole war. His letters were full, and the information he communicated was usually correct. He was on terms of intimacy with the British officers, and frequently obtained his intelligence from the highest sources. His letters were sent by way of Long Island, and thence across the Sound to Connecticut. At one period he had an agent in Bergen, through whose hands his letters passed. The principal officers near the

lines were also entrusted with the business of procuring intelligence, and employed spies for that purpose, whose reports were transmitted to the Commander-in-chief. Various devices were practised for concealment. A cipher was used in part, but the most effectual mode was to write with an invisible ink, which could be made to appear only by rubbing over the surface of the paper a chemical fluid, prepared in a particular manner. The spies were supplied with this ink and fluid. A short letter would be written on some trivial subject with common ink, and the remainder of the sheet would be filled with invisible characters. Fictitious names were used for the signatures and superscriptions. With these precautions, the risk of detection was very small, even if the letter was intercepted."

We find the following passages in his correspondence relating to this matter.

"Congress will be pleased to accept my thanks for the assistance they offer in the article of specie for secret services, which I shall draw for as occasion may require. With the help of this necessary article, good intelligence might be obtained, were not the channel obstructed by a too cautious policy in the States. To enable our correspondents among the enemy to convey their intelligence, we are often obliged to make use of ambiguous characters as the vehicles, and to permit them to carry on some traffic, both as an encouragement and a cover to their mission. There have been instances of prosecutions in the civil courts against these people; and, in order to screen them from punishment, we have been under a necessity of discovering their occupation. This has served to deter others from acting in the same capacity, and to increase the dread of detection in our confidential friends."

* * * * *

"Your letter of yesterday came safe to my hands, and by the dragoon, who was the bearer of it, I send you ten guineas for C——r. His successor, of whose name I have no desire to be informed, provided his intelligence is good and seasonably transmitted, should endeavour to hit upon some certain mode of conveying his information quickly, for it is of little avail to be told of things after they have become matter of public notoriety and known to every body. This new agent should communicate his signature, and the private marks by which genuine papers are to be distinguished from counterfeits. There is a man on York Island, living near the North River, by the name of G. H., who, I am told, has given signal proofs of his attachment to us, and at the same time stands well with the enemy. If, upon inquiry, this is found to be the case, he will be a fit instrument to convey intelligence to me, while I am on the west side the North River, as he is enterprising and connected with people in Bergen county, who will assist in forming a chain to me, in any manner they shall agree on.

"I do not know whom H. employs; but from H. I obtain intelligence; and his name and business should be kept profoundly secret, otherwise we shall not only lose the benefit derived from it, but may subject him to some unhappy fate."

* * * * *

"The loss of your papers was certainly a most unlucky accident, and shows how dangerous it is to keep papers of any consequence at an advanced post. I beg you will take care to guard against the like in future. If you will send me a trusty person, I will replace the guineas. I observe yourself and other officers have lost some clothing. Though I have not given an order of the kind before, yet in this particular exigence I am ready to give one on the clothier to those officers, who have been the sufferers, for such articles as are absolutely necessary. You will be pleased to communicate this to Colonel Sheldon, and request him to send the paymaster with a proper return to head-quarters. The person, who is most endangered by the acquisition of your letter, is one H. who lives not far from the Bowery, on the island of New York. I wish you would endeavour to give him the speediest notice of what has happened. My anxiety on his account is great. If he is really the man he has been represented to be, he will in all probability fall a sacrifice."

One fact in regard to the conduct of the English ministry, in persevering in the war of the Revolution, long after, to every dispassionate mind, the chances of suc-

cess were as nothing, is now apparent; and their behaviour is explained upon the ground of the utterly erroneous views they entertained of the dispositions of the mass of the American people. These views were derived from the reports of the refugees and the late civil officers in the Colonies, who had returned to England. The distresses of our people, though great, were exaggerated: the weak condition of our army was over-rated: the disagreements in Congress; the exhaustion of the country; and the discontents of the soldiery, were all over-estimated: in fact, the fervid spirit of patriotism in our leaders and in the great body of the people, was not conceived by the King and his servants. Reports were constantly sent to England of different intended movements and prepossessions in favour of the mother country, which invariably deceived expectation; and they had the effect, too, of interfering with the plans and arrangements of the British commanders in America—perhaps, fortunately for us. Mr. Sparks says:

“This delusion prevailed during the whole war. The ministers acted under a perpetual deception. In looking back upon events, as they actually occurred, it is impossible to conceive a collection of state papers more extraordinary for the erroneous impressions, contracted knowledge, and impracticable aims of the writer, than the correspondence of Lord George Germain with the British commanders in America.”

Sir Henry Clinton in particular felt much annoyance at this; and he could not avoid, at times, a decided expression of his opinion of the course pursued by the administration.

“In writing to Lord George Germain, after stating the numerous difficulties with which he had been obliged to contend, and hinting at the apparent want of confidence implied by the tenor of the instructions lately received, he goes on to say;—‘Is it to be supposed, that I am not on the watch to profit by every favourable disposition in any part of the continent, or to improve every accidental advantage of circumstances? I am on the spot; the earliest and most exact intelligence on every point ought naturally to reach me. It is my interest, as well as my duty, more than any other person’s living, to inform myself minutely and justly of the particular views, connexions, state, and temper of every province, nay, of every set of men within the limits of my command, and it is my business to mark every possible change in their situation. Why then, my Lord, without consulting me, will you admit the ill-digested or interested suggestions of people, who cannot be competent judges of the subject, and puzzle me by hinting wishes, with which I cannot agree, and yet am loath to disregard? For God’s sake, my Lord, if you wish that I should do any thing, leave me to myself, and let me adapt my efforts to the hourly change of circumstances, and take the risk of my want of success. I do not wish to be captious, but I certainly have not had that attention paid to my wishes, and that satisfaction, which the weight of my situation, and the hopes which you held forth for me, gave me reason to expect.’”

The subject of Arnold’s treason is that of most interest in the volumes before us; and to it we shall now turn our reader’s attention. It will be recollected, that Arnold was placed in command of the troops at Philadelphia, after the evacuation of that city by the British. The discharge of his functions, though said to have been performed in strict accordance with his duty, gave great offence, and procured him many enemies. Mr. Sparks, upon this head, says:

“He issued a proclamation requiring the shops to be closed and forbidding any sales to be made, till a joint committee of Congress and the government of Pennsylvania should examine the goods that remained in the city when the enemy left it, and ascertain whether any of them belonged to the king of Great Britain, or to any person adhering to the royal cause. Although this order was the necessary

consequence of a resolve of Congress, and was advised by some of the principal inhabitants, yet it seemed oppressive to many persons in its operation, and was a source of loud complaint.

"The odium, which this first measure brought upon the commandant, was neither removed nor weakened by his subsequent carriage and conduct. On the contrary, his haughty and overbearing manners, his arbitrary proceedings in his official station, his disrespect for the civil authority of the State, and the faults of his private character, gradually obscured the splendid military reputation on which he mainly relied for securing public favour, and involved him in difficulties of a serious nature. The Executive Council of Pennsylvania, after submitting to what they deemed many indignities, and remonstrating in vain against certain offensive acts, at last determined to bring the matter to a formal and decisive issue."

They passed resolutions enumerating eight distinct causes of complaint; laid them before Congress and the Commander-in-chief, and directed the Attorney-General to commence a prosecution for those matters of which a court of law could take cognizance. The report of the Committee of Congress was in Arnold's favour: this report was attributed to party feelings. The Report itself, was, however, never acted upon. A Joint Committee of Congress and of the Assembly and Council of Pennsylvania, subsequently appointed, agreed that the charges should be submitted to a court-martial under the direction of Washington. After considerable delays, the court, finally, acquitted him of two of the four charges that had been particularly pressed against him, and found him censurable as to the two others. He was directed to be censured by the Commander-in-chief.

The letters which, from time to time, during the progress of this business, he wrote to Washington, are curious; we shall present an extract or two. There can be no doubt, that the feeling exhibited against him by the government of Pennsylvania, and which, he thought, amounted to persecution, exasperated him to a high degree; and assisted to impel him to his subsequent treason. Mr. Sparks thinks he was in some degree aggrieved; though his bad private character furnished the cause of much of the dislike evinced towards him.

Arnold wrote to Washington on the 5th of May, 1779, thus:

"GENERAL ARNOLD TO GENERAL WASHINGTON.

"*Philadelphia, May 5th.*—Dear General; I have been honoured with your Excellency's two letters of the 26th and 28th of April, and am extremely sorry that it should be thought there was a necessity of postponing my trial to so late a period as June or July, for no other reason than the Council of this State 'representing that the period appointed for the purpose, and the previous notice given, were too short to admit of the necessary evidence being produced in time.' From a candid view of the charges and of the whole proceedings against me contained in the papers transmitted to your Excellency, you must be fully persuaded that I have been unjustly accused, and that I have been refused justice from Congress on the report of their committee. From a knowledge of my public conduct, since I have been in the army, no man is better qualified to judge whether I have merited the treatment I have received.

"If your Excellency thinks me criminal, for Heaven's sake let me be immediately tried, and, if found guilty, executed. I want no favour; I ask only justice. If this is denied me by your Excellency, I have nowhere to seek it but from the candid public, before whom I shall be under the necessity of laying the whole matter. Let me beg of you, Sir, to consider that a set of artful, unprincipled men in office may misrepresent the most innocent actions, and, by raising the public clamour against your Excellency, place you in the same disagreeable situation I am in. Having made every sacrifice of fortune and blood, and become a cripple in the service of my country, I little expected to meet the ungrateful returns I have received from my countrymen; but as Congress have stamped ingratitude as a

current coin, I must take it. I wish your Excellency, for your long and eminent services, may not be paid in the same coin. I have nothing left but the little reputation I have gained in the army. Delay in the present case is worse than death; and, when it is considered, that the President and Council have had three months to produce their evidence, I cannot suppose the ordering of a court-martial to determine the matter immediately in the least precipitating it, as in justice it ought to have been determined long since. The President and Council wish to put it off until the campaign opens, considering undoubtedly that the service will then prevent the court-martial from sitting, and cause the trial to be postponed until the end of the campaign. I must therefore entreat, that a court-martial may be ordered to sit as soon as possible, and, if the court find sufficient reasons, they will of course adjourn to a longer time. Not doubting but my request will be granted, I have the honour to be, &c."

Again, on the 14th of the same month—

"GENERAL ARNOLD TO GENERAL WASHINGTON.

"*Philadelphia, May 14th.*—Dear Sir; Yesterday I had the honour to receive your Excellency's favour of the 7th instant, informing me that the time of my trial was finally fixed on the 1st day of June; which I am very happy to hear, as nothing can be more disagreeable than the cruel situation I am in at present, not only as my character will continue to suffer until I am acquitted by a court-martial, but as it effectually prevents my joining the army, which I wish to do as soon as my wounds will permit; and to render my country every service in my power at this critical time; for, though I have been ungratefully treated, I do not consider it as from my countrymen in general, but from a set of men, who, void of principle, are governed entirely by private interest.

"The interest I have in the welfare and happiness of my country, which I have ever evinced when in my power, will I hope always overcome my personal resentment for any injury I can possibly receive from individuals. I have the honour to be, &c."

It must be confessed, from the tenor of Washington's letters, that, notwithstanding his dislike of many things which he saw in the behaviour of Arnold, on the whole that officer was a favourite with him. The reasons are clear. Of his patriotism, he knew nothing to warrant doubt; Arnold's subsequent treachery was a perfect surprise to his commander. Of his military talents he had formed, and justly, a high estimate. He knew the value of warlike accomplishments and energy such as Arnold possessed, to the welfare of his beloved country; and he was anxious that she should have the full benefit of them. His high sense of justice, too, revolted at the idea of any considerations other than those immediately bearing upon the point, having any influence upon the decision of the question. Upon the whole matter of Arnold's dispute with the Council of Pennsylvania, and of his claims upon Congress, Mr. Sparks, in conclusion, remarks—and the remark would seem perfectly just—

"Whether entire justice was rendered to him, amidst so many obstacles to a perfect knowledge of the merits of his case, and to an unbiassed judgment, it would be difficult at this time to determine."

Of Arnold's treason many interesting details are supplied in the seventh volume. It appears, that eighteen months before the completion of his treachery, he had been in the habit of communicating information to Sir Henry Clinton, anonymously. A proclamation in June 1780, addressed to the inhabitants of Canada, about which both Congress and Washington felt much anxiety, and desired the most perfect secrecy, was disclosed by Arnold to the enemy. A copy had been sent by the Commander-in-chief to him for the purpose of having it printed. The object, in consequence of the disclosure, failed. The British Commander, not knowing the

rank of his anonymous correspondent, though he permitted the continuance of communications between him and Major André, his aid, (who was entrusted with the business,) did not enter very warmly into the matter. Subsequently, when Arnold got command of West Point, and had discovered himself to Clinton, the affair wore a different face, and Clinton eagerly encouraged his advances. The important command referred to was procured by Arnold, through solicitations to members of Congress and to Washington, no doubt with a view to his subsequent behaviour. In a note, Mr. Sparks observes :

"Mr. Livingston had suggested his fears, that General Howe, in case of an exigency, would not inspire such a degree of confidence in the New York militia, as would be essential for engaging their efficient services. He solicited the appointment for General Arnold. 'If I might presume so far,' he said, 'I should beg leave to submit it to your Excellency, whether this post might not be safely confided to General Arnold, whose courage is undoubted, who is the favourite of our militia, and who will agree perfectly with our governor.'—*MS. Letter, June 22d.*

"Arnold had some time before written on the same subject to General Schuyler, who was then in camp as one of the committee from Congress. 'I know not,' said Arnold, 'who is to have the command on the North River. If General Heath joins the army, as I am told he intends, that post will of course, I suppose, fall under his command. When I requested leave of absence from General Washington for the summer, it was under the idea, that it would be a very inactive campaign, and that my services would be of little consequence, as my wounds made it very painful for me to walk or ride. The prospect now seems to be altered, and there is a probability of an active campaign, in which, though attended with pain and difficulty, I wish to render my country every service in my power; and, by the advice of my friends, I am determined to join the army; with which I beg you will do me the favour to acquaint General Washington, that I may be included in any arrangement that may be made.'—*MS. Letter, May 25th.*

"The application, on the part of Mr. Livingston, was no doubt made at the request of General Arnold, who immediately afterwards visited the camp and West Point. On the 30th of June, General Howe wrote to General Washington from that post;—'I have taken General Arnold round our works, and he has my opinion of them, and of many other matters. I have long wished to give it to you, but I could not convey it by letter.' "

On the 3d of August, 1780, Washington conferred the appointment upon him. He had, in his general orders of the first of the month, assigned Arnold to the command of the left wing of the army, thinking his services more important in that position. That officer was, however, so dissatisfied with the arrangement, that Washington finally complied with his request to be stationed at West Point.

We forbear a further prosecution of this topic, as the subsequent details—the arrest and just execution of the unfortunate André—the discovery of Arnold's treason and his flight—though possessing great interest, cannot but be familiar to our readers. They have, moreover, been so fully set forth in the late work of Mr. Sparks on the "Life and Treason of Benedict Arnold," that any other notice of them would be superfluous. We regret, too, that our limits compel us to make but a general reference to the remaining contents of the seventh volume. The abilities of Washington as a statesman and politician are broadly developed in his correspondence. The masterly views taken of the probable course of the British ministry, and of the complexion of public affairs on the continent, as well as of the internal arrangement of operations in his own country, and his clear insight and exposition of the causes of her embarrassments, render his letters highly valuable in a political light, and evince the comprehensive grasp of his mind. With the President and leading members of Congress, and with the governors and influential citizens of the different states, he was in constant correspondence; and his able suggestions and opinions no

doubt gave an inclination to the whole course of administration. Some of these letters, if we had space, we should delight to extract and dwell upon; we can however merely refer now to his letter to the President of Congress of 20th August, 1780, (Vol. VII. p. 156, &c.)—to Joseph Reed of the 28th of the previous May, (p. 58,)—to John Mathews of 4th of October of the same year, (p. 223,)—and to John Laurens of the 15th of January, 1781, (p. 368.)

The Infidel, or the Fall of Mexico. A Romance. By the Author of Calavar.

It is delightful to read the compositions of an author who thoroughly understands the powers, capacities, and uses of language—one who can apply it with equal felicity to the expression of the sternest and most energetic passion, or the lightest sports of fancy—who, with the graphic skill of an artist, can make language delineate an object, or can excite those deep-seated emotions which are inherent in the whole human family, and which serve to make us all feel closely akin—one whose originality of style is constantly reminding us of that fine saying of Pope—

“True wit is Nature to advantage dressed,
What oft was thought but ne’er so well expressed;”

one, in short, who thinks with the common sense of mankind, and writes with a power and felicity all his own. Such a writer was Scott—and such a writer is Bird.

Of course we do not speak with a precise reference to what he has actually accomplished, for he is not yet sixty years old—indeed they say he is hardly on the wrong side of thirty—but we speak with reference to the style in which he executes whatever he undertakes—the style of language—of thought—of study—of preparation—of effect. He is an adept in his art. But if he shall go on as he has begun, peradventure we have not yet seen his masterpiece.

The period which he has chosen to illustrate in the two novels already before the public, viz. “Calavar” and the “Infidel”—the scenes, characters, and spirit of the age to which they refer—indeed his whole subject was such as to require a peculiar style—one in which there should be united a *romantesque* richness, and a classical strength, by no means within the reach of ordinary writers. Yet, in adopting and sustaining this style, the author has shown powers which convince the critical reader that almost any other style is as much at his command. We hazard little in asserting that if he should choose a modern subject, and a locality at our very doors, he would be equally at his ease, and we should then be as much fascinated with the nerve, piquancy, and playfulness of his dialogue, and the delicate pencilling of his descriptions, as we are now with the quaintness of conversation, the imposing stateliness, and chivalric pomp and glory, so appropriate in these Hispano-American romances.

What a masterly command, too, he has of his materials. Let any one at all skilled in any of the fine arts—any one who has ever tested his powers of invention and combination, just take up the dialogue in the beginning of the “Infidel,” and examine it with reference to its bearing on the rest of the work, and he will not fail to be struck with the wonderful skill and address displayed in its contrivance and execution. It irresistibly reminds one of some splendid overture in which the whole action of the opera is sketched—for in this very dialogue, which is by no means long, he has succeeded in introducing us to all the leading characters and interests,

and in opening the several and separate actions which are interwoven in the novel—and all this is accomplished by rapid and graphic touches, that place the men and the scenes before you, and let you at once into their passions, interests, and designs, without a single formal portrait or description. Had the development of his plot to the same point, been attempted in the regular narrative form, it would have taken up a volume. But here, half an hour's conversation among some soldiers of Cortes's army lounging under a tree by the lake side, in view of Mexico, serves to make us acquainted with all the leading characters of the piece, and brings us at once "*in medias res*." When we have read it, we feel as much at home in the new scene of action, as if we had shaken hands with Bernal Diaz himself, and heard the quaint old annalist expatiate on the conqueror's actions; and seen him shake his head mysteriously at his designs.

The promise held forth in this splendid overture, is fully redeemed in the execution of the work. Almost every part of it displays the same strength of conception and felicity of execution. The interview of Cortes and the Mexican ambassadors, is characterized by the same features of power and beauty. The barbarians speak and act in character; and the reception of their offers and their defiance, by the Great Captain, serve to display the peculiar features of his character in their true light. We may remark here that Bird differs from most writers of fiction, in the circumstance of drawing his Indian characters from the life. They are real savages. Their ideas are consistent with their condition; and none of the refinements of civilization are ever suffered to disturb the truth and fidelity with which they are delineated. The character of Guatimozin, as displayed in this novel, may challenge comparison with that of any savage in the whole range of fiction. The beautiful simplicity and purity of Zelahualla, may at first seem too sublimated for a barbarian; but it is by no means inconsistent with the authentic accounts of the Mexican princesses. Her interviews with Juan are among the most attractive portions of the narrative.

The trial and execution of Villafana afford a fine opportunity for the display of the author's powers. The scene is highly effective. Effective in a physical point of view it could hardly fail to be in any hands; but the author, according to his uniform practice in such cases, has rendered the moral far more striking than the physical effect. His power is displayed, not in the assemblage of circumstances of bodily suffering which shock the senses, but in the development of moral traits and emotions, which address themselves irresistibly to the understanding and the heart. The bitter scorn and sarcasm of Cortes as he lays his hand upon the shoulder of Villafana, and deliberately probes his inmost soul, would not be unworthy of the pen that delineated Iago and Richard. The scenic effect of the trial and death, is lost in the truly dramatic effect of the dialogue.

Where the real physical horrors supplied by the history are very abundant—precisely such horrors too as an inferior writer would revel in, and which many critics would regard his dilating upon as an evidence of power—there, our author spares the feelings of his reader a finished picture, and contents himself with the slightest sketch; a single circumstance is selected, and the rest is left to the imagination—as, for example, in the terrible famine to which the city of Mexico was reduced during the siege. Here one of our *intense* writers would have delighted himself, and excruciated his readers with a minute description of scene after scene of intense suffering—and all the records at hand of sieges and shipwrecks would have been ransacked, to furnish the most shocking circumstances of death by inanition. Such is not the practice of the author of the "*Infidel*." One circumstance, chosen with judgment and related without parade, serves to tell the whole story.

One of the personages passing through the garden of the King's palace, observes that every leaf and every blade and root of grass has been removed for food. The reader's own mind is left to conceive the extremity of famine which could have produced such an effect. The author's business is with man—moral, intellectual man. The physical world is ever kept in due subservience. Natural beauty and sublimity are displayed in all their striking and glowing features; but always with reference to the development of the human character and destiny.

The character of Cortes is much more fully displayed in the "*Infidel*" than in "*Calavar*;" and perhaps there is no better evidence of the author's ability in either work, than his success in this difficult undertaking. Most of the attempts to introduce historical characters, and give them a leading agency in works of this class, since the time of Scott, have been decided failures. In almost every instance which we now recollect, these personages are made to speak and act entirely out of character. They become modernised or assimilated to the creations of the author's own fancy, in such a degree as to do and say all sorts of impossible things. But in the character of Cortes, as delineated in both these novels, there is not a trait which is not fully warranted by contemporary history. He performs a very important part in the "*Infidel*;" and the light thrown upon his character by the full and just display of it which is thus effected, affords a commentary on his history of the most desirable and interesting kind. Let it not be supposed that we are speaking at random in this matter, or that there is any exaggeration in giving such a degree of authority to the details of a historical novel. The manner in which the materials for this delineation of Cortes were obtained, and the fidelity with which they are employed, give them a uniform stamp of truth and reality; and we may take our idea of the real conqueror with as much security from Bird as from Bernal Diaz himself.

The "*Infidel*" is on the whole superior to "*Calavar*." In strength of conception, invention, and power of description, there is hardly a perceptible difference. But in style, in dramatic effect, in general ease and felicity of execution, and in the combination of materials and concentration of action, it is clearly superior. With respect to the latter qualities, there might be some doubt at first. The story of "*Calavar*" is more strictly single and consecutive than that of the "*Infidel*." But a few moments' examination will show that this arises from the wide difference in the materials, and especially in the historical position of the personages who are necessarily to figure in the narrative. More power of combination was required, in order to give a proper degree of unity and compactness to the fable in the later work, and more was actually exerted.

The Yemassee. A Romance. By the author of *Guy Rivers*, &c.
2 vols. 1835.

It would be an amusing task to place in juxtaposition the various criticisms, as they are styled by the courtesy of our mother tongue, which have been written concerning this romance, and the previous work of its author—*Guy Rivers*; at the same time that it would furnish a delectable commentary upon the system of puffing, which obtains at present to an extent so lamentable for the true interests of literature. *Guy Rivers* was eulogized from one end of the country to the other, as a faultless monster—a production further than which the force of nature could not go; and the *Yemassee* is pronounced in the same quarters a decided improvement upon it—a specimen, we suppose, of what we once heard a French showman call

an animal that he was exhibiting—*la plus parfaite perfection, une perfection si inexprimable, qu'elle ne peut pas être exprimée*. It is thus that the extravagant praise which is lavished upon inferior objects, drives the bestowers of it into the perpetration of downright absurdity, when something better is offered to their eulogistic propensities, rendering merited encomium a mere farce; for we humbly submit, in spite of the weighty authority of the philosophical Frenchman whose language we have quoted, that perfection cannot be made more perfect—that faultlessness cannot be decidedly improved.

Fortunately for us, not having been enthusiastic admirers of Guy Rivers, or fallen into ecstasies about it in our critical capacity, we may express an agreement with the opinion that the present work is greatly superior to it, without becoming obnoxious to the imputation of uttering nonsense. The Yemassee is undoubtedly so much more creditable a production in every way than the previous compositions of Mr. Simms, that it may well authorize the hope that he will render himself as justly, as he is said to be actually, popular. It evinces the possession of a mine which, if it be properly worked, will be the producer of coin worthy of the freest circulation throughout the domain of literature. But this will never be the case, if Mr. Simms allows himself to believe that it is the case now; if he puts faith in the inconsiderate, indiscriminating adulation of those who would stifle his genius with excessive perfume, causing it, as it were, to die of a rose in aromatic pain. He has by no means accomplished all that we are sure he is capable of doing, if he will not wrap himself up in that cloak of self-sufficiency by which the movements of the loftiest intellect must be impeded. We should draw a favourable inference upon this head, from the Yemassee, in which he seems to have benefited in a material degree by the animadversions which were made upon the monstrosities of Guy Rivers, in avoiding all sins of the kind; although, it is true, he throws a sort of Parthian arrow in his preface at those by whom they were condemned, stoutly maintaining, in a most sophistical theory, that they are perfectly justifiable, whilst he abandons farther meddling with them in practice.

The merits of the Yemassee, which both in quality and quantity are without question such as to render it on the whole a novel of no ordinary merit, have been so emblazoned and re-emblazoned that it would be needless to enter into any detail of them here. They are indeed almost entirely of that protuberant order which strike at once—few if any of those more delicate and unobtrusive beauties which are scarcely noticed at first, being discoverable in the work. The general interest of the story—a most important point; the stirring nature of most of the incidents; some superior detached scenes; powerful contrasts of character; one or two fine portraiture; and several excellent descriptions, are merits which all must recognise. But all their excellence is requisite to counterbalance the defects with which they are associated; and we know not how we could pay a greater compliment to the work than by affirming that these are counterbalanced, for they are neither few nor inconsiderable.

In the first place we must take the liberty of remarking that Mr. Simms has not yet learnt his trade—that he does not know how to write—and that in consequence he often mars some of his finest imaginings by the manner in which he expresses them. A more exceptionable style than his we have rarely encountered in any volume of the slightest pretensions. We might fill more pages than our readers would thank us for doing, with egregious specimens of English, culled from his pages, which, if they did not puzzle their understanding, would certainly provoke their laughter. A “superabundant redundancy” of words to convey the simplest idea, involving it in a cloud which almost conceals it from view—conceits in-

numerable, one of which, the epithet bestowed upon flowers of "idiots of the forest," should entitle its author to a patent—vulgarisms of phraseology indicative of any thing but a sedulous study of classic models, and these frequently by the side of the most ambitious attempts, imparting an aspect of tawdryism and what is called the shabby genteel, resembling a coat out at the elbow bedizened with gold lace—unwarrantable coinings of words, and employment of others in a way that no grammar nor dictionary would justify—sentences of clumsy construction—and inopportune and ludicrous use of French terms, particularly of the word *abandon*, the meaning of which Mr. Simms evidently does not comprehend—are all vices with which his style is replete, and which we do hope he will endeavour to correct.

In the management of the story there is at times a want of skill, especially in that part in which the escape of Harrison, the siege of the Block House, and the love phrenzy of Hugh Grayson, are dove-tailed together. Powerfully as each of these incidents is worked up in a separate point of view, they are not combined in that unembarrassed artist-like manner which, amid a multiplicity of details, *semper ad eventum festinat*. The author evidently seems here to have got into an *imbroglio*, from which he does not see clearly how to extricate himself; and at length he accomplishes the matter as well as he may. If, however, he is sometimes at fault in rescuing himself from difficulty, he makes up for it by a singular faculty of saving his personages from destruction when no one else could. He discharges for them all the functions which Homer makes his deities perform for the benefit of his warriors, in the way of snatching them from death, when they are absolutely in the gripe of the grim monster—functions to which, in ancient times, nothing short of supernatural power was deemed competent, but which are mere trifles to your modern novelist, who thinks nothing of tumbling his ladies and gentlemen over precipices in order to have the pleasure of picking them up alive. A much greater miracle than the march of Birnam wood to Dunsinane, would seem requisite to destroy such charmed lives as those of the white hero and heroine of the Yemassee. A damsel who had been saved from the poisonous fangs of a rattlesnake, just as they were entering her delicate flesh; who twice on one night was saved by her venerable and peaceable old sire from the murderous knife of the savage, when it was upon the very thread of her existence; and then was saved by her lover's shooting, *à la mode de Tell*, a ruffian, who was carrying her off in his arms, and held her before him to shield himself—might certainly, without presumption, have deemed herself invulnerable to the shafts of fate, and was a very fit wife for a hero, who "in the most interesting crises of his life," to use our author's phrase, when more than once his "indignant soul" is about to come "rushing through his wounds," is preserved from that disagreeable *escapade* by the interposition of a jewel of a dog; who dashes through a whole host of Indians, and makes them believe he is an entire army; and who, when he can be rescued in no other way, is saved by the very murderer that attempts to assassinate him, who relents in the very nick of time, whilst his dagger is descending to inflict the mortal stab! Hair-breadth 'scapes are doubtless interesting affairs, but resurrections in any work but "Tom Thumb" we must be allowed to "*gulp at*."

In dialogue, our author does not invariably shine. The conversations of lovers are said to be generally foolish, and he takes especial care not to disprove the assertion. May we never be in love, if we must say and listen to such things as delight the tongues and ears of Bess and Harrison, both persons whom we admire and like vastly, at almost every other time than when they are engaged in cooing! There is more sense, and truth, and eloquence, and every thing else that is valuable, in the colloquy between Lord Craven and that admirable specimen of "darkness visible,"

old Hector, in which the latter refuses his freedom, than in all the interlocutions by which the work is recommended to the good will of sighing swains and damsels. A better argument in favour of the continuance of slavery, after it has become a habit, has rarely been made, than that of the honest namesake of the Trojan hero. We do not relish the discussions between Hugh Grayson and Bess; they are tedious, and somewhat nonsensical.

The only decided failure among the characters is the patriotic leech, Dr. Nichols, than whom a greater bore and abortion we have never wished to be delivered from. Humour is not by any means the forte of Mr. Simms; and we would strenuously advise him to be as sparing in its employment as possible, if the Doctor is a sample of his abilities in that line. The mother of the Graysons seems to be an imitation of the "mither" of Cuddie in *Old Mortality*, but the copy is more perceptible in the intention than the execution. As to Dugdale, although we consider him a dog that would reflect no discredit upon any canine association, even that of the faithful quadruped of Ulysses, we are rather inclined to think, that the introduction of four-footed personages into novels is a matter which is overdone. We have not space, however, to discuss this high question now; and conclude with heartily wishing Mr. Simms all the success which he will deserve if he takes time and pains, caring less for quantity than quality, and remembering that in literature as in every thing else, "the more hurry the less speed."

